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THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

(Official Report of the Fifth Session.)

VOLUME LIV—No. 8.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 17th May, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 206 members.

STARRED QUESTIONS

(to which oral answers were given)

Communal troubles at Bhola.

*439. **Sj. NARENDRANATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in-charge of the Home Department aware—

(*i*) that during the last *Saraswati Puja* festival a Hindu procession was obstructed at Bhola before an unused mosque; and

(*ii*) that the processionists had secured licence for the same?

(*b*) Are the Government also aware—

(*i*) that picketing of Hindu shops continued at Bhola and other places in the subdivision;

(*ii*) that even the shopkeepers were forced to take back their articles previously sold;

(*iii*) that at Khairahat, miscreants removed the image of the goddess Kali from the pedestal and placed a cow's head before it; and

(*iv*) that at Kaliganj just at the proximity of the police-station the head of the image of Kali was broken?

(c) Are the Government aware of a feeling of terror that exists amongst the minority Hindu community of the subdivision in the matter of their rights and properties?

(d) If so, what measures have the Government adopted or do they intend to adopt in the matter?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) A licensed procession which was playing music before a mosque in which prayers were in progress was asked to stop but after discussion proceeded.

(b) (i) My information is that all that occurred was the picketing for 2 or 3 days of some shops in Bhola by youths who urged Moslems to buy from Moslem shops.

(ii) I have no such information.

(iii) and (iv) It appears that information to this effect was lodged with the police. On investigation it proved impossible to trace the culprits and both cases ended in final reports.

(c) The information at my disposal negatives the suggestion.

(d) Does not arise.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state what was the hour of the day when this occurred—I mean music before the mosque?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if there was any order by the Government to enquire into the incident?

The Hon'ble Khwaja Sir NAZIMUDDIN: As nothing happened no enquiry was necessary.

Grants to trained gurus.

*440. **Mr. NIKUNJA BEHARI MAITI:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Government have in recent years reduced the rate of the grant to the trained *gurus*?

(b) If the answer to (a) is in the affirmative, are the Government considering the desirability of restoring the old rate?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. FAZLUL HUQ): (*a*) No; but the amount which this class of officers receive has decreased owing to the gradual increase in their number.

(*b*) The situation is being considered by Government.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state the amount that this class of officers are receiving at the present time per head?

The Hon'ble Mr. A. K. FAZLUL HUQ: As regards the total amount I will not at present be able to say, but the position is that the sanctioned allotment under the head in the budget "Pay of trained and untrained teachers in aided primary schools and maktabs" is placed as a fixed amount and the sanctioned rate of grant is now Rs. 6 per head per mensem.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what was the rate per head previously?

The Hon'ble Mr. A. K. FAZLUL HUQ: I want notice.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether in view of the fact that the number of teachers has increased owing to the increase in the number of schools and also owing to the increase in the demand for primary education, Government are considering that the salary of this class of officers should be restored to an economic level?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have already answered that the position is being considered by Government.

Academic qualifications and pay of certain officers.

***441. Maulvi MD. MOZAMMEL HUQ:** Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table a statement showing the academic qualifications of and pay drawn by each of the following officers:—

(*a*) the Manager of the Bengal Veterinary College, Belgachia;

(*b*) the Registrar, Home Department, who is at present officiating in the leave vacancy;

(c) the Registrar, Home Department, on leave; and

(d) the Manager or officer in charge of the Industrial Museum under the Director of Industries, Bengal, recently opened at 21, Chittaranjan Avenue, Calcutta?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): A statement is laid on the table.

Statement referred to in the reply to starred question No. 441.

(a) Rai Sahib Binode Behari Banerji, Manager of the Bengal Veterinary College, Belgachia, is a non-matriculate. His present pay is Rs. 210.

(b) Rai Sahib S. N. Ray who recently officiated as Registrar, Home Department, is a matriculate. While officiating he drew Rs. 580 per mensem.

(c) Khan Sahib Aminul Haque, Registrar, Home Department, who was on leave and has recently rejoined, is a B.A. (Hons.) of the Aligarh University. He draws Rs. 600 per mensem.

(d) No substantive appointment has yet been made to the post of the Officer in charge of the Industrial Museum. The duties of the post are now being performed by Babu Anadi Mukerjee, the Marketing and Publicity Officer of the Industries Department, in addition to the duties of his own post. Babu Anadi Mukerjee is an I.A. and draws Rs. 170.

Mr. ABUL HOSAIN AHMED: With reference to answer (i), will the Hon'ble Minister be pleased to state on what consideration a non-Matriculate was appointed Manager on Rs. 210?

Mr. SPEAKER: I am sorry that question does not arise. The Hon'ble the Finance Minister is not responsible for the appointment. You have to ask the Veterinary Department a separate question on this subject.

Prayer or religious training in primary and secondary schools.

442. Dr. SHARAT CHANDRA MUKHERJI: (a) Is the Hon'ble Minister in charge of the Education Department aware—

(i) that in the primary and secondary schools even where the number of Muslim students on the rolls are small, religious training has been stopped to meet the objections of the guardians of Muslim students; and

(ii) that facilities are available to the Muslim students to get religious training in *muktabs*?

(b) If the answer to (a) is in the affirmative, what steps, if any, do the Government intend taking for the continuance of the practice of prayer and religious training for the Hindu students of the primary and secondary institutions?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) (i) The statement in the question is not correct.

(ii) Yes, but the new curriculum for primary schools which has co-ordinated the curricula for primary schools and *muktabs* provides for religious instruction for the children of all communities.

(b) Does not arise.

Dr. SHARAT CHANDRA MUKHERJI: With reference to (a) (ii), viz., the new curriculum for primary schools which has co-ordinated the curricula for primary schools and muktabs provides for religious instruction for the children of all communities, will the Hon'ble Minister be pleased to say if any arrangement has been made for religious training in secondary schools?

The Hon'ble Mr. A. K. FAZLUL HUQ: There must be an omission. I am sorry for that, and I will answer that later.

District Education Board, Tippera.

*443. **Maulvi JONAB ALI MAJUMDAR:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the District Education Board of Tippera has been formed?

(b) If so, who are the members of that Board?

(c) Is it a fact that there are disputes almost everywhere and petitions have been filed to the President of the District Education Board regarding the selection of sites for the proposed free primary schools in Tippera?

(d) Is it a fact that the inhabitants of Khilpara, Brahmangaon and almost all the inhabitants of Rajapur, the three villages consisting the group of the free primary school of the locality in the No. 2 Kalochi Union, police-station Hajiganj, Tippera, as well as the local members of the Thana Advisory Committee, objected to the selection of the site at Rajapur and a petition to that effect has been filed, duly stamped, to the President, District Education Board, Tippera, through the Subdivisional Officer, Chandpur?

(e) If so, will the Hon'ble Minister be pleased to state what is the decision of the District Education Board in the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) A list of the members is laid on the table.

(*c*) Preliminary suggestions for sites have been made by Thana Advisory Committees and these will be laid before the Board. A large number of objection petitions have been received.

(*d*) A petition against selection of a site at Rajapur was received. This purported to come from some inhabitants of Khilpara, Brahmangaon and Rajapur including the signatures of some members of the Thana Advisory Committee.

(*e*) All petitions of objection to suggested sites will in due course be laid before the Board for its decision, and no site will be finally selected until objections have been considered.

Statement referred to in the reply to clause (b) of starred question No. 443.

I.—EX-OFFICIO.

The District Magistrate of Tippera.

The Subdivisional Magistrate of the Sadar subdivision.

The Subdivisional Magistrate of the Brahmanbaria subdivision.

The Subdivisional Magistrate of the Chandpur subdivision.

The District Inspector of Schools, Tippera.

The Chairman of the Sadar local board.

The Chairman of the Brahmanbaria local board.

The Chairman of the Chandpur local board.

The Chairman of the district board, Tippera.

The Vice-Chairman of the district board, Tippera.

II.—ELECTED UNDER CLAUSE (*f*).

Khan Bahadur Maulvi Siddiquer Rahman.

Maulvi Tafazzal Ali, B.L.

Babu Rup Chandra Saha, B.L.

III.—ELECTED UNDER CLAUSE (*g*)

Mauvi Ramijuddin Ahmed Khan, B.A.

Maulvi Syed Abdur Rashid Choudhury.

Maulvi A. K. M. Abdul Bari.

IV.—APPOINTED UNDER CLAUSE (*h*)

Maulvi Muhammad Hasanuzzaman, M.L.A.

Maulvi Mafizuddin Ahmed, M.L.A.

Mr. Jagat Chandra Mandal, M.L.A.

V.—APPOINTED UNDER CLAUSE (*i*).

Maulvi Moazzul Islam Khan Chaudhury, Head Master of the Dhanyadail Primary School, Burichong.

Relief measures in Bankura.

*444. **Mr. KAMAL KRISHNA ROY:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing for the last 5 years, year by year and subdivision by subdivision, the total amount of agricultural loan granted to the district of Bankura?

(*b*) Will the Hon'ble Minister be pleased to state, subdivision by subdivision—

(*i*) how much of the said amount was realised in due time; and

(*ii*) how much remained unrealised?

(*c*) Is the Hon'ble Minister aware that famine is periodic in the district of Bankura?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) how many times have the Government declared famine in the district of Bankura during the last 25 years; and

(*ii*) how many times during the same period portions of the district was considered to be under "distress" or "acute distress"; and

(*iii*) what steps have the Government taken and do they propose to take to save the district from periodic famines and distresses?

(*e*) Will the Hon'ble Minister be pleased to state—

(*i*) the total amount of money granted by the Government during the period as gratuitous relief; and

(*ii*) the total amount of money given to the District Board for test relief work during the times of famine or "distresses" within the same period?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) and (*b*) A statement is laid on the table.

(*c*) and (*d*) (*i*) and (*ii*) During the last 25 years, famine was declared in the years 1915-16 and 1919. Portions of the district suffered from distress in 1927-28, 1935 and 1936.

(*iii*) In order to improve irrigation facilities, the following irrigation schemes have been completed in the district:—

(*a*) Salbunih Irrigation scheme; and

(*b*) Amjore Irrigation scheme.

The following irrigation schemes are under consideration:—

(*a*) Darkeswar Reservoir Project;

(*b*) Subhankar Danra Project;

(*c*) Kulai Khal Scheme; and

(*d*) Bhadul Channel Scheme.

Besides the above schemes, detailed schemes for re-excavation of tanks and *bunds* under the Bengal Tanks Improvement Bill have been prepared and will be taken up as soon as the Bill becomes an Act. Co-operative Irrigation Societies have also been formed in the district.

Agricultural Improvements.—There is a Government Agricultural Farm at the headquarters of the district which aims at a practical demonstration of the use of suitable varieties of seeds, manure and up-to-date implements.

A Research Officer is engaged in investigations into the possibility of discovering drought-resisting strains of paddy, capable of germinating even in years of comparatively small rainfall.

A move has been taken to utilise the vast area of high *danga* lands lying fallow in the district by the cultivation of groundnuts. A great deal of systematic propaganda was carried on in this direction and there has been a very good response from the people. A Government grant of Rs. 4,000 was utilised in 1938-39 for the purchase and distribution of groundnut seeds free of cost.

Improvement of Forests.—Apart from the protective, preventive and ameliorative measures indicated above, Government have recently taken up the problem of arresting the rapid deforestation in this district as well as in other districts. The Forest Committee appointed by the Government of Bengal inspected forest areas in the district and held detailed enquiries regarding the causes of denudation of forests.

(*e*) (*i*) Rs. 4,56,055.

(*ii*) Rs. 11,35,080.

Statement referred to in the reply to clauses (a) and (b) (i) and (ii) to starred question No. 444.

AGRICULTURAL LOANS.

Year.	Amount grapted.		Amount fell due in the year.		Amounts collected out of the dues of the year		Balance.	
	Sadar subdivision.	Vishnupur subdivision.	Sadar subdivision.	Vishnupur subdivision.	Sadar subdivision.	Vishnupur subdivision.	Sadar subdivision.	Vishnupur subdivision.
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs	Rs.	Rs.	Rs.	Rs.	Rs.
1934-35	25,000	.	10,395		7,782	..	2,613	..
1935-36	1,81,300	73,800	1,05,217	14,376	6,689	386	98,528	13,990
1936-37	4,15,000	75,000	3,95,231	88,735	2,72,886	85,361	1,22,345	3,374
1937-38	..	.	3,43,916	61,689	2,04,858	53,033	1,39,058	8,656
1938-39	9,551	286	1,41,814	9,619	49,670	5,835	92,144	3,784

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with reference to answer (*b*) in regard to irrigation schemes by what time relief in the Bankura district may be obtained as a result of the actual operations of the schemes under consideration, namely, Darkeswar Reservoir Project, Subhankar Danra Project, Kulai Khal Scheme and Bhadul Channel Scheme?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Very likely it will take some years.

Dr. NALINAKSHA SANYAL: Will Government be pleased to give us some idea as to the number of years—whether it will be done within your and my lifetime?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It may be within our lifetime. It depends on how long we live. But I may say within a reasonable time.

Dr. NALINAKSHA SANYAL: My difficulty is this. I do not want to digress from the question specifically put to the department concerned, but in view of the fact that you have advertised these as schemes likely to bring relief—the question is about relief in Bankura—will the Hon'ble Minister be pleased to state whether Government is in a position to guarantee relief to the people there in the course of the next ten years?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, schemes are under consideration, so it is premature for the Government to make any statement to that effect.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if the Research Officer mentioned in the answer is available to private parties and what are his headquarters?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Research Officers carry on research and if private citizens are anxious to take their advice and help I am sure their help would be available.

Dr. NALINAKSHA SANYAL: Is it a fact that the Darkeswar Reservoir Project has been under consideration for more than 10 years now?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not know about 10 years but certainly for 5 or 6 years.

Serajganj-Patal-Charabari Steamer service.

*445. **Mr. AMRITA LAL MANDAL:** Is the Hon'ble Minister in charge of the Commerce and Labour Department considering the desirability of urging upon the Serajganj-Patal-Charabari Steamer Service Company for the following, namely:—

(a) providing big flats or sheds at all the stations where the passengers can take shelter and protect themselves from sun and rain;

(b) introducing through bookings at all the stations with the railways;

(c) providing better staging at Konabari and Nalinbazar station;

(d) providing one duplicate steamer for three weeks on the occasion of the *Puja* holidays every year as also on all other occasions when there is heavy passenger traffic;

(e) introducing second class compartment and inter-class with more accommodation improved with cushion;

(f) providing latrine exclusively for inter-class passengers on the upper deck; and

(g) shortening the time-limit from 3 hours to 2 hours?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. SUHRAWARDY): (a) I am informed that waiting accommodation is already provided at Serajganj, Patal and

Charabari in the Serajganj Feeder Service. Waiting accommodation is also provided at Nalinbazar when it is open. The question of providing a waiting shed at Konabari is now under consideration of the Joint Steamer Companies.

(*b*) Through booking with railways is already in vogue in all stations in this service except Konabari which is a Sircar station.

(*c*) I am informed that there is no staging difficulty at Konabari station where the bank being high, a ramp is cut in the bank for the convenience of passengers. The Companies are considering the question of providing better staging facilities at Nalinbazar (which is now closed) when it is reopened for passenger traffic.

(*d*) I am informed that past experience and statistics do not warrant the running of duplicate steamers in the service during the *Puja* holidays as also on similar occasions.

(*e*) Considering the number of second class passengers booked in this service no increase or improvement in the second class accommodation appears to be justified. The Companies are considering increasing the inter-class male and female accommodation by adding one extra bench to each.

(*f*) I am informed that it is not possible to provide latrine accommodation for inter-class passengers on the upper deck.

(*g*) I am informed that it is not possible to reduce the transit time which appears to be suitable for a majority of passengers who use the service.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state with reference to answer (*d*), what was the number of passengers during the last Pujah time in 1938 and what is the capacity of the steamer which runs on that line?

The Hon'ble Mr. H. S. SUHRAWARDY: I want notice.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় বোলেছেন প্রশ্নের উত্তরে—I am informed তাঁর এই খবরের সূত্রটা আমরা জানতে পারি কি ?

The Hon'ble Mr. H. S. SUHRAWARDY: Joint Steamer Companies.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় কি অবগত আছেন যে পূজার সময় নিমাইদহ থেকে সিরাজগঞ্জ পর্যন্ত special train দেওয়া হয় এবং তাতে অতিরিক্ত passenger যায় ?

The Hon'ble Mr. H. S. SUHRAWARDY: That may be so.

Mr. CHARU CHANDRA ROY: যদি অতিরিক্ত passenger যায় তবে কি মন্ত্রী-মহাশয় মনে করেন যে অতিরিক্ত steamer এরও প্রয়োজন আছে ?

The Hon'ble Mr. H. S. SUHRAWARDY: Perhaps not if the ordinary passenger traffic is less than half the accommodation of the steamer, and special circumstances may not absorb all the accommodation offered.

Mr. SIBNATH BANERJEE: With reference to answer (*b*), will the Hon'ble Minister be pleased to state who are the persons who informed him that they would like to have 3 hours instead of 2 for transit?

The Hon'ble Mr. H. S. SUHRAWARDY: I think it is not possible to reduce the time which appears to be suitable for the majority of passengers.

Mr. SIBNATH BANERJEE: The reply is that the majority of passengers who use the service do not favour shortening the time limit?

Mr. SPEAKER: The answer is, as I read it, first of all it is not possible to reduce the transit time and secondly it appears to be suitable.

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that no latrine is reserved for inter-class passengers?

The Hon'ble Mr. H. S. SUHRAWARDY: A separate latrine for inter-class apart from the one for the third class? Does the hon'ble member suggest that the inter-class passengers should have a separate latrine?

Mr. MIRZA ABDUL HAFIZ: Yes.

The Hon'ble Mr. H. S. SUHRAWARDY: I will pass on the suggestion to the Joint Steamer Companies to see whether they cannot reserve latrine accommodation for intermediate class passengers. But it appears to me—I think I have answered similar questions before—that the Steamer Companies will not be able to provide facilities until their steamers go in for renovation and when they do go in for renovation they will take into account these various matters which are placed

before them and then make such changes as they can. In fact they have promised to do so in one or two instances. In this particular case also if the hon'ble member desires I will pass on his request to the Joint Steamer Companies.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state what are the difficulties which make it impossible to provide latrine accomodation for inter-class passengers on the upper deck?

Mr. SPEAKER: That question has just now been answered.

The Hon'ble Mr. H. S. SUHRAWARDY: If possible, it can only be done when the steamers go in for renovation.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that the benches that are provided for the inter-class passengers are of very small width, not even 10" in width and the backs are so straight that one feels very much uncomfortable to sit on these benches?

The Hon'ble Mr. H. S. SUHRAWARDY: If the hon'ble member suggests that the benches provided for inter-class passengers should be made more comfortable then I will certainly pass on his suggestion to the Joint Steamer Companies. But if the hon'ble member wants to know my own personal experience——

Mr. SURENDRA NATH BISWAS: That question was only put to elicit further information.

Mr. SPEAKER: You have got your answer.

Mr. CHARU CHANDRA ROY: এ Question টায় মাননীয় মন্ত্রীমহাশয় বলেছেন যে—I am informed এটা Joint Stock Company থেকে থোরে নিতে পারি কি ?

The Hon'ble Mr. H. S. SUHRAWARDY: The Joint Steamer Companies.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রী-মহাশয় কি inquiry করিবেন যে সময় করা যায় কিনা ?

The Hon'ble Mr. H. S. SUHRAWARDY: I am afraid that there is not any machinery at the disposal of Government to make independent enquiries. If the hon'ble members of this House press upon Government to have Inspectors of their own in order to inspect and

provide facilities for passengers in the Steamer Services, I should be prepared to give consideration to that suggestion. It means, of course, more expenditure from Government revenues, but if it results in providing better facilities for passenger traffic we may consider the question of apointing some Inspectors for that purpose.

Beggar problem in Calcutta.

*446. **Maulvi MD. ISRAIL:** (a) Has the attention of the Hon'ble Minister in charge of the Local Self-Government Department been drawn to the acuteness of the beggar problem in Calcutta?

(b) If so, what steps, if any, do the Government contemplate to take in the matter?

MINISTER *in charge of the* LOCAL SELF-GOVERNMENT and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (a) Yes.

(b) The hon'ble member is referred to the reply to clause (b) of unstarred Assembly question No. 137 of the 17th April, 1939, asked by Mr. Abul Hossain Ahmed, M.L.A.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether, since the reply given on the 17th April, any progress has been made towards tackling the beggar problem in Calcutta?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As my time has been taken up almost entirely by the Assembly, I could not see to it, but I hope to as soon as the Assembly session is over.

Allegations against Registrar of Assurances.

*447. **Mr. SIBNATH BANERJEE:** (a) Is the Hon'ble Minister in charge of the Education (Registration) Department aware—

(i) that the District Sub-Registrars of Alipore, Bogra, Burdwan, Pabna, Nadia, Howrah, Hooghly, Mymensingh, Faridpur, and Head Clerks of Calcutta, Alipore, Jessore, Khulna, Midnapore and Dinajpur, have now been threatening their subordinates with punishment if they continue their membership in the registered Associations; and

(ii) that a circular in the following terms was issued on the 5th April, 1939, by the Registrar of Assurances, Calcutta—all the members of this office Establishment (clerks, copyists

and extra copyists) are directed not to take any part in matters of the so-called All-Bengal Registration Employees' Association which is since not recognised by Government, *vide* letter No. 396-Regn., dated the 31st March 1939?

(*b*) Will the Hon'ble Minister be pleased to state whether the All-Bengal Registration Employees' Association (a registered body) was registered under the Indian Trade Unions Act, 1926?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for issuing the circular referred to in (*a*) (*ii*)?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) No.

(*ii*) and (*b*) Yes.

(*c*) The circular referred to was issued without the knowledge of the Inspector-General of Registration or Government. The Registrar of Assurances, Calcutta, thought it desirable that the employees of his office should not join an Association which was not a genuine service association and not recognised by Government.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state what led the Government to believe that it was not a genuine service association?

The Hon'ble Mr. A. K. FAZLUL HUQ: Government believed in and decided on the information at their disposal.

Babu NAGENDRA NATH SEN: Is it a fact that the Hon'ble the Chief Minister himself had consented to preside at the annual conference of this association?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, Sir, but when the facts were brought to my notice, I declined to do so.

Babu NAGENDRA NATH SEN: Is it not a fact that this association has been in existence for a very long time, and in its annual conferences Government officers had taken part?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, in some of the conferences.

Mr. SIBNATH BANERJEE: May I take it that this information was supplied by the Labour Minister or by the Labour Commissioner?

Mr. SPEAKER: That question does not arise.

Mr. SISNATH BANERJEE: From whom was the information obtained?

Mr. SPEAKER: That question also does not arise.

Babu NAGENDRA NATH SEN: Is it a fact that this association had long before applied for recognition, and if so, whether it is still under consideration or has been rejected?

The Hon'ble Mr. A. K. FAZLUL HUQ: I want notice. I am not quite sure, perhaps it has been rejected.

Post of Professor of Economics, Chittagong College.

*448. **Babu NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the recommendation of the Public Service Commission is obtained for confirmation or retention for more than 6 months of an officer in the Education Department Provincial Service?

(*b*) Is the present Professor of Economics in the Chittagong College serving in the Provincial Educational Service for more than 6 months?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state whether the said Professor was recommended by the Public Service Commission for confirmation or retention?

(*d*) Is it not a fact that he was in the subordinate service before being appointed in the Chittagong College?

(*e*) Has he been appointed in supersession of the claim of other senior Lecturers of Economics of the said college?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason thereof?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) When an officer holding a substantive post under Government is called upon to officiate in a Provincial Service post, it is not necessary to consult the Public Service Commission.

(*b*), (*d*) and (*e*) Yes.

(*c*) Does not arise.

(*f*) The Lecturer in Economics at the Chittagong College is not considered fit for promotion.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state how long the Lecturer in Economics in the Chittagong College has been in that post?

The Hon'ble Mr. A. K. FAZLUL HUQ: He was appointed by Government notification, dated the 31st January, 1938, but I am not in a position to say when he actually joined.

Mr. SPEAKER: Personally I think I cannot disallow questions of a personal nature as here. But as I feel that such a question is likely to do more harm than good to the officers concerned, I would remind the members of the danger of putting questions which bear an individual character. After all, the responsibility has to be realised, and I hope that will be realised by the House in putting further questions.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the respective academic qualifications of the Lecturer in Economics, who, in the opinion of Government, is not fit for promotion, and of the Professor of Economics who has been temporarily appointed as an officiating professor as also the number of years these two gentlemen have respectively been in Government service?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, a considerable amount of agitation has been going on in the Press over this appointment on the ground that we have superseded the claims of a Hindu officer by appointing a Muslim. With your leave, Sir, I shall state the facts before the House, but for the present I will not mention the names but will tell the House whether the officer was a Hindu or a Muslim.

The position was that in December we transferred a Professor of Economics from Chittagong named Babu Sudhansu Kumar Guha Thakurta to the Presidency College The question arose of appointing his successor——

Dr. NALINAKSHA SANYAL: He was in the Calcutta Commercial Institute.

The Hon'ble Mr. A. K. FAZLUL HUQ: He was in the Calcutta Commercial Institute, then at Chittagong and from there he was brought to the Presidency College because the Presidency College wanted him badly. When he was brought from Chittagong to the Presidency College, the question arose of appointing his successor. The Director of Public Instruction reported to Government that there was only one teacher of Economics at the time in the Chittagong College so that this work could not conveniently be entrusted to an outsider. He

therefore recommended that a Lecturer of the subject should be promoted from the Subordinate Education Service. The case of all officers likely to be appointed was considered by the Director of Public Instruction in consultation with two members of a Committee. The list of members in order of seniority shows that the seniormost officer was a Hindu drawing Rs. 360 a month who at that time was officiating as Professor of Economics in the Bethune College. The next officer was also a Hindu who was drawing Rs. 330. The next officer was also a Hindu and he was drawing Rs. 250. The officer next to him was a Muslim who was in the Subordinate Education Service as a Lecturer in the Islamia College, drawing Rs. 230. Government wanted to appoint the first officer, a Hindu officer, but there were two difficulties. In the first place, he had been recently transferred from Chittagong and he did not want to go there on account of certain domestic mishaps which had happened to him there. Besides, the Principal of the Bethune College was not willing to let him go. The second officer was not considered fit for promotion by the Selection Committee. Then we wanted to give it to the third officer, but he was acting in the Bengal Education Service in the Rajshahi College where he was expected to continue for a long period and therefore he was not willing to go. The choice therefore fell on the fourth officer who was a Muslim and who was a Lecturer in the Islamia College.

As regards the respective academic qualifications, all I can say is that Maulvi Abdus Samad holds the M.A. degree in Economics as also does the other gentleman. But the Selection Committee did not consider the officer who was second in the list to be fit for promotion in view of the reports received. I am not prepared to mention the name of the officer, but his case was carefully considered and rejected. By the process of exclusion therefore the choice fell on the Muslim officer, but there was no deliberate attempt to overlook the claims of Hindu officers.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state in what classes respectively these two gentlemen were placed in the M.A. Examination, and what was the order of merit?

The Hon'ble Mr. A. K. FAZLUL HUQ: As a matter of fact, I have not at the present moment any information about their educational qualifications, but I can tell the House that once an officer has been serving in the Government service, mere academic qualification is never taken into consideration.

Dr. NALINAKSHA SANYAL: Sir, may I have a reply to the other part of my question, namely, the respective length of service of these two officers?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have already stated that the gentleman, whose claims were passed over, was drawing Rs. 330 and the other gentleman was drawing Rs. 230. I cannot give the grades.

Dr. NALINAKSHA SANYAL: Sir, I wanted the respective length of service of these two gentlemen, namely, the lecturer who was superseded and the lecturer who was promoted to hold the officiating post.

The Hon'ble Mr. A. K. FAZLUL HUQ: I have not got the facts here, so I am afraid, I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how long Government propose to continue this officiating post and when it is going to be turned into a permanent appointment and whether Government propose to consult the Public Service Commission for the same?

The Hon'ble Mr. A. K. FAZLUL HUQ: The Director of Public Instruction has been asked to put up proposals. If any officer is promoted from the Subordinate Service, the Public Service Commission need not be consulted; his claims would be considered by the Selection Committee. But if outsiders are allowed to send in applications, then certainly the appointment would be made by the Public Service Commission.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that for permanent appointments in the Bengal Education Service, even when such posts are held by promotion from Subordinate Services, the Public Service Commission has got to be consulted?

The Hon'ble Mr. A. K. FAZLUL HUQ: No. Under the rules, when an officer who is promoted or allowed to officiate——

Dr. NALINAKSHA SANYAL: I do not say "officiating" but I am speaking of posts held permanently.

The Hon'ble Mr. A. K. FAZLUL HUQ: As regards permanent posts, there is no intention of allowing any one to be made permanent without consulting the Public Service Commission.

Dr. NALINAKSHA SANYAL: That is why I ask the other portion of my question, namely, whether Government propose to place it before the Public Service Commisison and how long they want to keep the post officiating?

The Hon'ble Mr. A. K. FAZLUL HUQ: Government do not propose to keep the post officiating one moment longer than is necessary. I understand the Public Service Commission has been asked to advertise. But I am not sure what action has been taken by them.

Granting facilities to students of backward classes other than Scheduled ones.

*449. **Mr. NIKUNJA BEHARI MAITI:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Government are considering the desirability of giving greater facilities in education to the students of the educationally backward classes other than the Scheduled ones?

(b) If the answer to (a) is in the affirmative, will he be pleased to state what action, if any, does he propose to take in the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) No such scheme of extension of existing facilities is at present before Government.

(b) The question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government consider the desirability of formulating a scheme for spreading education among the backward classes excepting scheduled castes?

Mr. SPEAKER: I am allowing it, though it is too general.

The Hon'ble Mr. A. K. FAZLUL HUQ: No such scheme is at present before the Government. Nobody has brought it forward. But if any such scheme is brought forward, then it will have to be examined by the Committee for the education of scheduled castes.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if Government themselves have considered the desirability of formulating such a scheme?

The Hon'ble Mr. A. K. FAZLUL HUQ: Not at present.

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state if he is aware that a sum of Rs. 20,000 or so has been allotted for the education of the backward classes other than the scheduled castes?

Mr. SPEAKER: If it is in the budget, it is there. What is your specific question?

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state, if any sum is granted for the education of any community, and if any such scheme has been prepared by them?

The Hon'ble Mr. A. K. FAZLUL HUQ: The sum has been allotted, but I am not in a position to state the exact amount.

Mr. PROMATHA RANJAN THAKUR: Before granting any sum, Government must have a scheme?

Mr. SPEAKER: Why do you assume that—there may be lump-sum grants.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it is the position that Government do not propose to formulate any scheme themselves, but they desire that other people should formulate schemes for the Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: When Government get a little breathing time, they will do it. But at present they are overworked.

Rates of electricity per unit in certain Electric Supply Companies.

*450. **Maulvi MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to lay on the table a statement showing separately the present rates of electricity per unit in force in the—

(*i*) Calcutta Electric Supply Corporation;

(*ii*) Dacca Electric Supply Company;

(*iii*) Chittagong Electric Supply Company; and

(*iv*) Narayanganj and Munshiganj Electric Supply Company?

(*b*) Is it a fact that the rates of electricity per unit is not uniform?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state the reason thereof?

(d) Are the Government considering the desirability of fixing a low flat rate in all those places?

The Hon'ble Mr. H. S. SUHRAWARDY: *(a)* The net rates per unit for domestic consumption are as follows:—

(i) 2 annas

(ii) 4 annas.

(iii) 6 annas.

(iv) 6 annas and 7 annas, respectively.

(b) The rates are not uniform.

(c) The maximum rates are laid down in the licence. The licensees are at liberty to fix the rates within the prescribed maxima which generally vary directly as the cost of production and inversely as the demand for electrical energy.

(d) No.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the difficulties of fixing a uniform low rate in the districts?

Mr. SPEAKER: That question does not arise. I cannot allow a general question. You must put a specific question.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether he is aware of the fact that different Electric Supply Companies in different districts are giving dividends of 50 per cent. to their shareholders?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of that. I am sure it is not so.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state, with reference to answer *(c)*, who is responsible for the maximum rates laid down in the licence?

The Hon'ble Mr. H. S. SUHRAWARDY: Government.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state if he is aware that there are private companies which supply electricity at the rate of one anna per unit?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state if he is aware of the fact that there are private companies who in their private concerns do supply electricity to their employees at the rate of one anna per unit?

The Hon'ble Mr. H. S. SUHRAWARDY: The question is unintelligible.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state if he is aware that the Tata Iron and Steel Company supply electricity to their employees at one anna per unit?

Mr. SPEAKER: What is your point in asking this question? Come to the point.

Mr. ATUL KRISHNA GHOSE: My point is that when private companies can supply to their employees electricity at one anna without undergoing any loss whatsoever——

Mr. SPEAKER: That does not arise. You must ask something specific.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether Government is prepared to go so far as to induce the Calcutta Electric Supply Company to supply electricity at the same reduced rate at which the other private companies are supplying to their employees without loss?

Mr. SPEAKER: That question does not arise.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if he is aware that the Dacca Electric Supply Company are giving a dividend of 85 per cent. to their shareholders?

The Hon'ble Mr. H. S. SUHRAWARDY: Far from it. As a matter of fact, I looked into the question of the Dacca Electric Supply Company and at our instance, the rate has been reduced to annas four.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if Government have ever made an enquiry as to the minimum rate at which electricity may be supplied by the Electric Supply Companies at Dacca, Chittagong and Narayanganj?

Mr. SPEAKER: I cannot allow a question for eliciting statistical information. You must put a question which arises strictly out of it.

Mr. SURENDRA NATH BISWAS: With reference to (c), which relates to the maximum rate, I was going to ask——

Mr. SPEAKER: You may ask, what is the maximum rate.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have ever considered what should be the maximum rate for the supply of electricity in Calcutta, Dacca, Chittagong and Narayanganj.

The Hon'ble Mr. H. S. SUHRAWARDY: The maximum rate is fixed at the time when the license is given and it has been found from experience that for new licensees, the maximum rate cannot be less than eight annas. It is not possible for new companies to charge less than that. But when they begin to grow, when their loads increase and when they expand their machinery, it is only then that they are able to reduce their rates, and the bigger the company, the less the rate.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether in sanctioning the maximum rate for the supply of electricity by any company, Government consider what can be the minimum rate?

The Hon'ble Mr. H. S. SUHRAWARDY: The minimum rate can only be ascertained after a considerable time and after an enquiry has been held and the income and expenditure and profit and loss have been ascertained; further if the company has to extend and to carry its electricity to undeveloped areas, some consideration will have to be paid for further development and thereafter the rate may be fixed after due enquiry.

Mr. SURENDRA NATH BISWAS: In view of the public grievance against the high rate, will the Hon'ble Minister be pleased to state whether Government will consider the desirability of making an enquiry, as has been suggested by the Hon'ble Minister himself, very soon?

The Hon'ble Mr. H. S. SUHRAWARDY: There is provision for enquiry in the Act, but over and above that I am considering the question of making an enquiry into the affairs of the various electricity companies, but the honourable member will realise that an enquiry of this nature means a certain amount of expenditure, and I have to balance the advisability of an enquiry on the one side and the temper of the legislature on the other in refusing to sanction the necessary expenditure.

Distribution of augmentation grants to Union Boards by the Dinajpur District Board.

*451. **Mr. NISHITHA NATH KUNDU:** (a) Has the attention of the Hon'ble Minister in charge of the Local Self-Government Department been drawn to paragraph 52 of the annual report on the working of the local audit department for the year 1936-37 published by the department of Public Health and Local Self-Government, Government of Bengal, viz., that out of Rs. 41,000 of the augmentation grants made by the Government to the Dinajpur District Board for distribution to the Union Boards, only Rs. 15,126 was so far distributed?

(b) Will the Hon'ble Minister be pleased to state—

(i) whether any steps have been taken by Government for the utilisation of the balance; and

(ii) if so, what are those steps?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (a) Yes.

(b) The augmentation grant is paid to the District Boards to augment their resources and is earmarked for expenditure on roads and bridges, village sanitation, water-supply and other necessary works. In Government circular No. 3267-70 L.S.-G., dated the 20th July, 1921, however, a direction was given to the effect that the District Boards should distribute a substantial portion of the grant among the Union Boards under them for the purpose of improving village sanitation and public health. Considering that the District Boards have large demands on their limited and inexpansive resources, Government have not fixed any definite percentage of the grant to be distributed among the Union Boards; but the proportion to be so distributed has been left to the discretion of the District Boards with reference to local circumstances in each case. The question of taking steps for the utilisation of the balance does not therefore arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the purpose for which that Rs. 15,000 was distributed by the Dinajpur District Board to the Union Boards and if it was distributed to all the Union Boards in the district?

Mr. SPEAKER: That question does not arise. As the answer shows, it is entirely for the local bodies concerned to distribute.

Mr. NISHITHA NATH KUNDU: I am going to elicit further information. There is mention of the purpose for which that augmentation grant was earmarked, and I want to know the purpose for which this grant was actually distributed.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I cannot say it off-hand; I want notice.

Anti-tuberculosis preventive measures for the workmen of Oriental Gas Company, Limited.

*452. **Mr. KISHORI PATI ROY:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(*i*) that the ice boxes in the Oriental Gas Company, Limited, Calcutta, are at present being painted with the help of spray machines; and

(*ii*) that the workers of that particular department are being more and more attacked with tuberculosis of the lungs?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) since how many years has this system of spraying been introduced;

(*ii*) since then how many workers in that department have been infected with tuberculosis of the lungs;

(*iii*) how many have died of it;

(*iv*) what compensation has been paid by the Company to the families of the deceased workmen;

(*v*) how many have been invalidated as a result of such infection; and

(*vi*) to how many of the invalidated has compensation been paid by the Company?

(*c*) What preventive measures have already been taken by the Company against infection of the workmen in future with tuberculosis of the lungs?

(*d*) What action, if any, does the Hon'ble Minister propose to take in the matter?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) Yes.

(*ii*) No, a doctor is kept on the premises and reports on any medical cases immediately. No such report of workers being affected has been made.

(*b*) (*i*) 1½ years.

(*ii*) As far as I am aware, none.

(*iii*) to (*vi*) Do not arise.

(*c*) Although no case of tuberculosis has been known among workers employed in this section, the apparatus is housed in a special safety room as advised by the Factory Inspection Department.

(*d*) None.

Dr. SURESH CHANDRA BANERJEE : মন্ত্রী-মহাশয় কি অনুগ্রহ করে বল'বেন premises এ যে ডাক্তার থাকে সে কি সরকারী ডাক্তার না Company'র ডাক্তার ?

The Hon'ble Mr. H. S. SUHRAWARDY: He is an employee of the Company.

Dr. SURESH CHANDRA BANERJEE : কম্পানীর ডাক্তার কম্পানীর ঘুষ খেয়ে ঠিক report করে না একথা মন্ত্রী-মহাশয় বিশ্বাস করেন কিনা ?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state what are the qualifications of the doctor who is employed there?

The Hon'ble Mr. H. S. SUHRAWARDY: Obviously I do not know.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state if there is any arrangement for detecting tuberculosis cases on the examination of sputum, blood and other things?

The Hon'ble Mr. H. S. SUHRAWARDY: Obviously I do not know.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Employment of convicts by the present Jailor, Presidency Jail, for his personal and domestic use.

200. Mr. SIBNATH BANERJI: (*a*) Is the Hon'ble Minister in charge of the Home (Jails) Department aware that the present Jailor of the Presidency Jail has been employing convict prisoners for his personal and domestic work, as detailed below—

(1) No. 12947 as a whole-time cook;

(2) No. 14162 as a *khidmutgar*;

(3) No. 12628 as a *masalchi*;

(4) No. 14757 as a sweeper;

(5) No. 13431, carpenter for making furniture of his bungalow;

(6) No. 11427, tailor for making dress for his family;

(7) Jail *dhobi* for washing his clothes; and

(8) an Indian warder to escort his children to and from school?

(*b*) Is the Hon'ble Minister also aware that the Jailor is allowed to take—

(1) mustard oil from the kitchen; and

(2) fish from the jail tank, without payment?

(*c*) If the answer to (*a*) is in the affirmative, and if the Jailor is not entitled to any services of the convict prisoners free of charge, what action do the Government propose to take in the matter?

(*d*) Is the Hon'ble Minister aware that this particular Jailor was once suspended in connection with the loss of some jail timber?

(*e*) What are the qualifications of this Jailor for the post he holds?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The Jailor is allowed the services of a small gang twice daily in accordance with Jail Code Rule 797. He is allowed, in common with other staff, to have his clothes washed by the jail *dhobi* for which he pays regularly according to the rules. In all other respects the suggestions made in this part of the question are incorrect.

(*b*) No. The suggestion is untrue.

(*c*) Does not arise.

(*d*) No. The suggestion is likewise without foundation.

(*e*) Experience and ability.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state if it is a fact that some warders were detected at the gate of the Presidency Jail while taking away mustard oil and this was actually reported to the Superintendent?

The Hon'ble Khwaja Sir NAZIMUDDIN: I must ask for notice. I cannot say it off-hand.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state if it is a fact that over one thousand history tickets have been destroyed since the notice of this question was given?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether flower pots which were being used by the Jailor have been removed to the garage of the jail?

Mr. SPEAKER: I am afraid this question also does not arise.

Mr. SIBNATH BANERJEE: With reference to the latter part of answer (*a*), viz., in all other respects the suggestions made in this part of the question are incorrect, will the Hon'ble Minister be pleased to state what is actually meant by "a small gang twice daily"?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: I submit, Mr. Speaker, this question does arise. My questions are very definite. Convict No. 12947——

Mr. SPEAKER: You ask your question.

Mr. SIBNATH BANERJEE: My questions were whether convict No. 12947 was employed as a cook, and No. 14162 as *khidmatgar* and so on and so forth. I would like to have replies to every one of them.

The Hon'ble Khwaja Sir NAZIMUDDIN: I think the answer is very explicit. Except that which is permissible under the Jail Code Rule 797, all the other allegations have been found to be incorrect.

Mr. SIBNATH BANERJEE: I would like to know in respect of all the 8 convicts definite information.

Mr. SPEAKER: The answer is "No."

Mr. SIBNATH BANERJEE: I have mentioned 8 cases, and the Hon'ble Minister in reply has said that the jailor is entitled to the services of the *dhobi* and not of others——

Mr. SPEAKER: I am afraid in that case I will have to divide it into 10 questions. I cannot allow each individual to be discussed. You have to ask a general question. You will remember that I was very reluctant to admit this question.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether the jail visitors were consulted in this matter when these questions were put?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think there was any necessity for consulting the jail visitors as they have nothing to do with this.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether he is considering the desirability of enquiring into this matter thoroughly with the members of this House?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think there is any necessity for an enquiry about this.

Mr. SPEAKER: Mr. Banerjee, your purpose has been served. Pots have been broken and other things removed. (Laughter.)

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think this is a very serious matter. I do not agree that these allegations are correct. Very likely these facts were given to the honourable member by some disgruntled persons who wanted to discredit the jailor.

Education cess in Tippera.

201. Mr. ASIMUDDIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement up to February, 1939, showing for the district of Tippera the amount of education cess—

(*i*) realised; and

(*ii*) not realised?

(*b*) Has it been brought to the notice of the Hon'ble Minister that the cultivators in the said district are both unwilling and unable to pay education cess?

(*c*) Are the Government contemplating suspension of the realisation of education cess for the *Gamti* flood-affected areas in the district?

(*d*) Are the Government aware that the Education Committee in the district have asked the people of the locality to give lands and houses for the primary schools?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) Rs. 1,26,108-6-6 and (*ii*) Rs. 53,508-12-3.

(*b*) No, nor do I believe that the statement in the question is correct.

(*c*) Not as at present advised.

(*d*) The District School Board has not as yet made any such request. It has, however, been indicated by the executive and departmental officers that the funds at the disposal of the Board will not suffice for any building work and that it is hoped that local people will provide land and accommodation where it is desired that schools should be situated.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that if the proposal in question (*d*) be given effect to, the education of the poor people is likely to suffer?

Mr. SPEAKER: How does this arise?

Mr. DHIRENDRA NATH DATTA: It does arise.

Mr. SPEAKER: I am afraid you have to ask a question arising out of it.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that if the Education Committee in the district cannot provide houses, the education of the poor people of the locality will suffer?

Mr. SPEAKER: That is a question of opinion.

Agricultural loan and gratuitous relief in Jessore district during 1938-39.

202. Mr. RASIK LAL BISWAS: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state how much has been spent by the Government as—

(*i*) agricultural loan; and

(*ii*) gratuitous relief in each of the thanas of the Jessore district in the year 1938-39?

(*b*) How many families in each thana have received—

(*i*) loan; and

(*ii*) gratuitous relief?

(*c*) In how many instalments these loans have been paid, thana by thana?

(*d*) Whether it is under the contemplation of the Government to pay loans to the area of the district peopled by depressed classes till they get any crops?

(e) Whether the Government have issued any instructions to the District Officer of Jessore regarding the distribution of—

(*i*) past; and

(*ii*) future loans and gratuitous relief?

(*f*) If so, whether the Government are considering the desirability of laying on the table copies of their instructions?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) to (*c*) A statement furnishing the information is laid on the Library table.

(*d*) A sum of Rs. 50,000 has been sanctioned for distribution in the seriously-affected areas of the district.

(*e*) Yes.

(*f*) No.

Babu NAGENDRA NATH SEN: Mr. Speaker, Sir, will you allow me to put some supplementary questions relating to Khulna district? You did so, Sir, the other day.

Mr. SPEAKER: No.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to enlighten us whether any death is due to starvation for want of relief in the district of Jessore?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that one Rati Kanta Mandal of Lohagara police-station in the district of Jessore committed suicide under pain of starvation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have no information on the subject.

Mr. ATUL KRISHNA GHOSH: Is the Hon'ble Minister aware of the fact that the President of the Union Board, Lohagara, Babu Motilal Sarkar, gave a definite opinion in writing that the man committed suicide due to starvation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Grant of agricultural loans in Kurigram subdivision.

203. **Kazi EMDADUL HAQUE:** (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that a number of people of village Helodanga in police-station Bhurungamari, district Rangpur, applied to the Subdivisional Officer, Kurigram, and other authorities for agricultural loan for the purchase of seeds and plough cattle for the current sowing season in February and March last?

(b) If the answer to (a) is in the affirmative, what action have the Government taken on the said applications?

(c) If no action has been taken as yet, will the Hon'ble Minister be pleased to state whether the Government consider the desirability of—

(i) giving immediate loan to the agriculturists for utilisation at the present sowing season; or

(ii) holding an inquiry into the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) An application was received by the Subdivisional Officer on the 27th March, 1939.

(b) and (c) A sum of Rs. 25,000 has been allotted for distribution as agricultural loans in Rangpur district. Further funds will be placed at the disposal of local officers whose recommendation is being awaited by Government.

Kazi EMDADUL HAQUE: With reference to answers (b) and (c), the Hon'ble Minister has not answered the specific question put to him. May I ask him again to make a statement on the floor of this House whether the people specifically mentioned in the question, namely, the people of village Helodanga who admittedly approached the Subdivisional Officer as far back as March last received any agricultural loan up till now and, if so, what was the amount?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, about Rs. 1,60,000 since this question was printed has been placed at the disposal of the Collector of Rangpur for distribution as agricultural loan in the two subdivisions, namely, Gaibandha and Kurigram. I have no information as to what portion of that has gone or is going to a particular village in which my honourable friend is interested.

Kazi EMDADUL HAQUE: I want to know whether any portion has at all gone to that village?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have no information on that point.

Illegal exactions from fishermen by owners of fisheries in various districts.

204. Mr. DHANANJOY ROY: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that the owners of the fisheries at Goalundo, Tepakhola and Madaripur in the district of Faridpur; Kancharpur, Jalaldi, Narsingdi and Gopaldi in the district of Dacca; and Sarda and Charghat in the district of Rajshahi realise *bhag* and enforce *para*, *gola* and *khutaghari* and *bokhra* specially at Goalundo fish *ghat* and *challisha* at Charghat and Sarda and otherwise compel *bona fide* fish-catchers to sell their catches to persons nominated by the agents or *naibs* of the owners of the fisheries at rates fixed by them?

(*b*) If so, what immediate steps are being taken by the Government in the interest of *bona fide* fishermen?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) The practices in question do not appear to be prevalent in the districts of Dacca and Rajshahi fisheries but are reported to exist in Goalundo and Tepakhola in Faridpur district.

(*b*) Government have already appointed a Special Officer to enquire into the fisheries of Bengal.

Mr. MONMOHAN DAS: With reference to answer (*a*) where it is said, "The practices in question do not appear to be prevalent in the districts of Dacca and Rajshahi fisheries," will the Hon'ble Minister be pleased to state what are the sources of his information?

Mr. SPEAKER: That question does not arise.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*a*) where the Hon'ble Minister has admitted that such practices are in existence in Goalundo and Tepakhola, is it not a fact that this practice of illegal exaction from the fishermen was brought to the notice of the Special Officer but he did not take any steps?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the Special Officer is still holding his enquiry and we have not yet received his report.

Search of the house of Maulvi Jonab Ali Majumdar, M.L.A., during his absence.

*205. **Mr. ASIMUDDIN AHMED:** (a) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(i) that on the 23rd December, 1938, during the absence of Maulvi Jonab Ali Majumdar, M.L.A., the Sub-Inspector of Police, Hajiganj, in the district of Tippera searched his house;

(ii) that the Sub-Inspector of Police searched the huts in which Maulvi Jonab Ali Majumdar's father and brother reside?

(iii) that in course of the search some articles were thrown away causing loss to the properties; and

(iv) that some Assembly papers were seized by the Sub-Inspector of Police from the almirah of the Khilpara Public Library?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of making an inquiry into the matter and taking necessary steps against the said Sub-Inspector of Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) (i) Yes, in the presence of Maulvi Jonab Ali Majumdar's father.

(ii) Yes, the father and brother are in joint mess with Maulvi Jonab Ali Majumdar and three huts belonging to the joint family were searched.

(iii). No.

(iv) An almirah was searched, but it is reported that no Assembly papers were seized. There was nothing to show that the almirah belonged to a public library.

(b) No.

Mr. DHIRENDRA NATH DATTA: With reference to answer (iv), is the Hon'ble Minister aware that the Secretary of the Public Library was sent for and the lock of the almirah opened by the key supplied by him?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it

Mr. SHAHEDALI: With reference to answer (iv), will the Hon'ble Minister be pleased to state, if no Assembly papers were seized, whether any papers were seized by the thana officers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe it is obvious that some papers must have been seized.

Mr. SHAHEADALI: Will the Hon'ble Minister be pleased to state what are those papers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state in what connection this search was executed and under whose orders?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am sorry this is an obvious supplementary question which I have overlooked. I ask for notice.

Condition of latrines and urinals on inland steamers of India General Navigation and Railway Company and River Steam Navigation Company, Ltd.

207. **Maulvi MD. MOZAMMEL HUQ:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware that condition of latrines and urinals provided in inland steamers run by the Joint Steamer Company for the third and inter class passengers are narrow in size and inadequate in number?

(*b*) Are the Government considering the desirability of urging upon the Steamer Company for improving the conditions of these latrines and urinals?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) No. Latrines in inland steam vessels are inspected at the time of survey, to ensure compliance with Rule 8, Part V, of the Manual of Requirements as to Survey of Vessels for Passenger Certificates under the Inland Steam Vessels Act, 1917.

(*b*) I have not sufficient information at my disposal to induce me to take steps in the manner indicated. I am, however, looking into the matter.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রী-মহাশয় কি বলবেন যে তাঁর মত আকৃতি বিশিষ্ট ব্যক্তি ঐ পায়খানার ভিতর দিয়ে ঘুরে আসতে পারে না, এটা তাঁর জানা আছে কিনা?

Mr. SPEAKER: That question does not arise.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if he is aware that latrines and urinals provided for the third and inter-class passengers are combined in the same place?

(No answer.)

Complaint against the Dihi Naib of Narundi, Mymensingh.

208. Mr. ABDUL KARIM: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that some tenants of Mauza Narundi, police-station Jamalpur (Mymensingh), under the Court of Wards estate of Natore Bara Taraf filed a petition to the Chief Manager of that Wards estate complaining against the *Dihi Naib* of Narundi for realising illegal and unauthorised *nazars* and other fraudulent transactions?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any action has been taken in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Two petitions were received alleging some fraudulent transactions.

(*b*) With regard to one petition enquiries were held and the allegation was found to be false. The allegations in the other petition are still under enquiry.

Mr. ABDUL KARIM: With reference to purport of answer (*b*), will the Hon'ble Minister be pleased to state if the enquiring officer conducted the enquiry in the presence of the petitioners?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the enquiring officer first went to enquire on 2nd February 1939 and that being the Id day the petitioners did not turn up. The Manager again went, made enquiries and disposed of the petition.

Weaving School at Nandina, Mymensingh.

209. Mr. MD. ABDUL JABBAR PALWAN: (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state for how many years the Peripatetic Weaving School has been working at Nandina in the district of Mymensingh?

(*b*) Is it in the contemplation of Government to shift the school from Nandina to Dewanganj?

(c) Is the Hon'ble Minister aware that recently in pursuance of a letter from the District Board, the Union Board at Dewanganj has made necessary arrangements for the accommodation of the school and the staff?

(d) Is it a fact that the Weaving Inspector is against the removal?

(e) If so, what are the reasons?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (a) Eight years.

(b) and (c) There was a proposal to shift the school to Dewanganj but it had to be abandoned as the accommodation made by the President of the Union Board at the instance of the District Board was not found adequate for housing the increased number of implements, appliances and staff recently added to the school. The school has, therefore, been retained at Nandina for the present, on the recommendation of the District Board. Steps are however being taken for the transfer of a temporary Peripatetic Weaving School with smaller equipment and staff now working in the district of Noakhali to Dewanganj to meet the demand of the place and the Chairman of both the District Boards have been consulted in the matter.

(d) No.

(e) Does not arise.

Crown Estates in districts.

210. Maulvi MD. MOZAMMEL HUQ: Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing, district by district—

(a) the present number of Crown Estates with areas of each estate;

(b) annual revenue or rent due from each such estate for 1938-39;

(c) the number of rent suits filed in Crown Estates since the suspension of certificate procedure;

(d) the collections made as a result of rent suits in Crown Estates;

(e) the collection of 1938-39 and 1937-38 in the Khas Mahals;

(f) the number of notices served by Debt Settlement Boards to stay execution of rent suits or certificates in the Khas Mahals, during the year 1938-39; and

(g) the percentage of collection in 1938-39 for each such district?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) and (b) As regards the number and land revenue of the estates, the member is referred to Appendix 1C of the Report on the Land Revenue Administration of Bengal for 1937-38. More up-to-date figures are not readily available.

As to the area and land revenue of each estate, it may be pointed out that the figures in many cases are insignificant and that the expense and labour of copying out the entries in Register No. 32 in every district is not justifiable. For instance, in Burdwan district there are 168 estates with a total area of 6 square miles.

(*c*) and (*d*) The information cannot be furnished without reference to all District Officers and its importance is not commensurate with the expense and work involved in making such enquiries.

(*e*) and (*g*) For the collections during 1937-38 the member is referred to Appendix 1C of the Report on the Land Revenue Administration of Bengal for that year where it will be seen that they were Rs. 65,93,897. The figures for 1938-39 have not yet been compiled and are not therefore available.

(*f*) The collection of this information will involve time and labour not commensurate with the value of the information sought for.

Mr. SPEAKER: I am leaving out Question No. 211 and the other question (No. 206) for the time being.

GOVERNMENT BILL.

The Bengal Money-lenders Bill, 1939.

Mr. SPEAKER: We will now begin discussion on the Bengal Money-lenders Bill, but I understand that there is a little difficulty because owing to the fact that there was a recess for the last four or five days, it had not been possible to hold certain discussions between the different parties both amongst themselves and also with others. So, it has been suggested to me that I should adjourn the House till to-morrow. Is there any objection to that?

Dr. NALINAKSHA SANYAL: May I know if the adjournment is sought by Government who are responsible for this Bill?

Mr. SPEAKER: You had better ask Mr. Gupta who knows all about it.

Mr. JOGESH CHANDRA GUPTA: Yes.

Adjournment.

The House was then adjourned till 4-45 p.m. on Thursday, the 18th May, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on *Thursday, the 18th May, 1939, at 4-45 p.m.*

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 209 members.

STARRED QUESTIONS

(to which oral answers were given)

Vacancy in Bengal Excise Service (Senior).

*453. **Mr. MD. BARAT ALI:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether there is still a vacancy in the Bengal Excise Service (Senior)?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is in contemplation to fill up the post by promotion or by direct recruitment?

(*c*) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of enforcing the Bengal Provincial Services Recruitment Rules in general and rule V (*2*)(*b*) of the said rules in particular when filling up future vacancies in the Bengal Excise Service (Senior)?

(*d*) With reference to the replies to clauses (*d*)(*i*) and (*e*)(*iii*) and (*iv*) of starred question No. 336 of the 18th April, 1939, will the Hon'ble Minister be pleased to state whether rule V(*2*)(*b*) of the Bengal Provincial Services Recruitment Rules have ever been observed while filling up vacancies in the Bengal Excise Service (Senior), by promotion, since the rules were made?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state the reasons for not observing the rule?

(*f*) Will the Hon'ble Minister be pleased to state the special reasons for promoting an officer of 48 years of age to the Bengal Excise Service (Senior) as stated in his reply to question No. 336 (*e*) (*iv*) of the 18th April, 1939?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) Yes.

(*b*) The matter is under the consideration of Government.

(*c*) Yes, but Government will also consider the needs of the department.

(*d*) Yes.

(*e*) Does not arise.

(*f*) The officer in question had been holding charge of districts and carrying out the duties of a Superintendent of Excise since 1924 when he was below 40 years of age. His eligibility for the post of a Superintendent of Excise was therefore recognised long before he reached the age of 40. His final appointment to the Bengal Excise Service was only a formal matter.

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state how long the post has been kept vacant?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I cannot say offhand.

Prevention of Beri-Beri due to adulteration of mustard oil.

***454. Babu NAGENDRA NATH SEN:** (*a*) Is the Hon'ble Minister in charge of the Public Health Department aware—

(*i*) that Beri-Beri is widely prevalent in Bengal; and

(*ii*) that neither the Government nor the local bodies afford any special facilities for treatment of this disease?

(*b*) Is the Hon'ble Minister aware of a popular belief that—

(*i*) the use of adulterated mustard oil is one of the principal causes of this disease;

(*ii*) mustard oil is largely used all over Bengal as an ingredient of food, and for other purposes; and

(*iii*) there is widespread adulteration of mustard oil throughout Bengal?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, what steps have the Government taken themselves and through the local bodies—

(*i*) to prevent the spread of Beri-Beri;

(*ii*) to prevent the adulteration of mustard oil; and

(*iii*) to provide for treatment of cases of Beri-Beri?

(*d*) Are the Government considering the desirability of appointing a Commission consisting of expert persons and others interested in the matter and medical men of the various schools of medicine for finding out measures for combating the disease?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (*i*) Outbreaks of Beri-Beri and epidemic dropsy are occasionally reported from certain districts in Bengal.

(*ii*) General and symptomatic treatment is available in the hospitals and dispensaries maintained by Government and local bodies as well as from private medical practitioners.

(*b*) (*i*) Government are advised that so far as Beri-Beri is concerned the popular belief referred to by the hon'ble member regarding its being caused by the use of adulterated mustard oil is erroneous. The ætiology of Beri-Beri is definitely known to be vitamin B deficiency which results from continued consumption of polished rice which is the principal and staple diet of the Bengali; while in case of epidemic dropsy, as far as our present knowledge goes, adulterated mustard oil would appear to be the incriminating factor. There is probably a background of vitamin C deficiency in epidemic dropsy.

(*ii*) Yes.

(*iii*) Yes. It is quite probable that adulterated mustard oil is responsible for epidemic dropsy.

(*c*) (*i*) Leaflets and pamphlets dealing with prevention and cure of Beri-Beri and epidemic dropsy have been published by the Bengal Public Health Department and circulated widely through the local bodies for the information and guidance of the public. It is up to the local bodies to give extensive publicity within their area to the factors involved in the causation of the disease.

(*ii*) Necessary steps are taken by the local bodies, under the provision of the Bengal Food Adulteration Act and prosecutions are made for sale of adulterated mustard oil. Draft regulations for the control and prevention of outbreaks of epidemic dropsy are now under the consideration of the Public Health Department.

(*iii*) The principal specific treatment of both these diseases consists of the discontinuance of the use of incriminated articles of food. As has already been observed general treatment is available in medical institutions and from private practitioners.

(*d*) No.

Mr. SURENDRA NATH BISWAS: With reference to answer (*c*) (*ii*), will the Hon'ble Minister be pleased to state whether the

prosecutions for the sale of adulterated mustard oil have ended in conviction or acquittal?

The Hon'ble Mr. TAMIZUDDIN KHAN: Many of them do end in conviction.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware of the medical opinion that it is very difficult to find out whether a certain mustard oil is so adulterated that it becomes poisonous?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to amend the Bengal Food Adulteration Act so that if any medical officer says that a certain mustard oil is unfit for human consumption, that would come under the purview of that Act?

The Hon'ble Mr. TAMIZUDDIN KHAN: Extensive amendments of the Food Adulteration Act seem to be necesssary, and all these things are under the consideration of Government.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that the manufacturers of mustard oil do not come under the purview of the Food Adulteration Act, and that there is no provision for preventing them from manufacturing adulterated mustard oil?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am not aware of that.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if there is any provision for inspection of the various factories in Calcutta and its neighbourhood which manufacture mustard oil on a large scale?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think, there are provisions

Babu NAGENDRA NATH SEN: Is the Hon'ble Minister aware that a large quantity of mustard oil is imported from Cawnpore and other districts of the United Provinces?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir.

Babu NAGENDRA NATH SEN: Is the Honble Minister aware that these oils are generally adulterated and, if so, what steps have been taken to prevent their importation?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know whether these oils are generally adulterated, but it is susnected that a good deal of imported oil is adulterated.

Babu NAGENDRA NATH SEN: In that case, what steps have been taken by Government to prevent the importation of such oils?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government is considering the matter, but it will be apparent to the honourable member that the matter is not an easy one.

Youth Welfare Fund.

*455. **Maulvi MD. ABDUS SHAHEED:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) who has been entrusted with the Youth Welfare Fund of the Government;

(b) what are the clubs and associations that have got grants-in-aid from the said Youth Welfare Fund; and

(c) what is the number of clubs and associations started by Muslims and Scheduled Castes that have got help from the Youth Welfare Fund in the year 1938-39?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (a) The Physical Director is in administrative control of the scheme, and, so far as non-school youth clubs are concerned, he works in consultation with District Councils.

(b) A list of clubs and associations that have received grants is laid on the table.

(c) Complete information is not available. Fifty-nine Muslim clubs applied for grants, and all (except 10) were given grants. Of the clubs which did not receive grants, applications from 8 were received too late and one did not qualify for a grant.

Statement referred to in the reply to clause (b) of starred question No. 455.

GRANTS-IN-AID TO YOUTH CLUBS.

1938-39.

District and name of club.	Amount sanctioned.
Howrah.	Rs.
(1) Cosmopolitan Club	150
(2) Howrah Sporting Club	100
(3) Purbanapara Ankurhati Jubilee Sp.	125
(4) Howrah Town Club	75
(5) Howrah Union Club	75
(6) Sibpore International Club	125
(7) Youngmen's United Association, Bargachi	125

District and name of club.	Amount sanctioned.
	Rs.
Midnapore.	
(8) Mongola Club	50
(9) Gangadhar Memorial Club	150
(10) Griffith's Sporting Club, Egra	150
(11) Nadigram Rural Reconstruction Association	100
(12) Sportsmen Recreational, Tamluk	150
(13) Shamganj Village, Chandrakona	100
(14) Gopalpur Sporting Union, Lowada	70
(15) Nohari Jubilee Club, Garbetta	100
(16) Anandapur Sporting Club	50
(17) Baragarh Club, Debra	20
(18) Ballichak Coronation Club	50
(19) Salbani Club	50
(20) Garbetta Club	50
Bankura.	
(21) Bankura Town Club	200
(22) Deshbandhu School of Physical Culture	100
(23) Bankura Muslim Sp. Club	250
(24) Vishnupur Town Sp. Club	150
(25) Dhabni Club	175
(26) Hijakliha Youngmen's Association	75
(27) Officers' Club, Khatra	75
(28) Sonamukhi Town Club	100
(29) Kamala Sporting Club, Joykrishnapur	40
Burdwan.	
(30) Gushkora Sp. Union	250
(31) Mankar Public Football Club	50
(32) Sàtgachia Sporting Club	250
(33) Milan Sangha, Memari	100
(34) Almamun Club and Library, Qari	50
(35) Friends' Athletic Club, Kalna	150
(36) Municipal Gymnasium, Kalna	200
(37) Arya Bayam Samity, Katwa	200
(38) Katwa Ahanda Sangha	50
(39) Sir Rash Behari Athletic United	250
(40) Uchalas Athletic Club	50
Hooghly.	
(41) Smriti Mandir, Ghutia Bazar	20
(42) Mohsin Institute, Chinsura	40
(43) Chinsura Union Club	100
(44) Radha Raman Union Club, Nayasarai	150
(45) Singur Club	250
(46) Tarun Bayam Samity, Serampore	100

District and name of club.	Amount sanctioned.
	Rs.
(47) Hooghly Ananda Sammilani	150
(48) Arambagh Youngmen's Association	50
(49) Baidyabati Athletic Club	100
(50) Siddheswari Sporting Club, Singur	20
(51) Chinsura Town Club	100
(52) Chinsura Sporting Association	100
(53) Serampore Sporting Club	100
(54) Hooghly Central Association	100
(55) Chatra Athletic Club	20
(56) Dasgarah Association	50
(57) Kumrit Kotalpur Association	20
(58) Chinsura Woodburn Club	100
(59) Barrackpore Physical Club	20
(60) Chinsura Club	200
24-Parganas.	
(61) Ananda Math, Diamond Harbour	50
(62) Kamala Club, Baruipur	100
(63) Mohammad Ali Gymnasium Club	50
(64) Nabadhai Binapani Sammilani	200
(65) Kalsur Sporting Club	200
Nadia.	
(66) Jugia Gymnastic Club, Kustia	50
(67) Kustia Town Club	250
(68) Krishnagar Town Club	250
(69) Mahabir Bayam Sangha, Santipur	250
(70) Kumarkhali Town Club	100
(71) Ranaghat Sporting Association	100
(72) Swasthyannoati Samity, Ranaghat	100
(73) Sports Club, Dignagar	25
Jessore.	
(74) Jessore Town Club	200
(75) Magura Central Physical Culture	250
(76) Narail Occasional Club	300
(77) Young Muslim's Athletic Club	100
(78) Bongaon Youth Welfare Club	150
(79) Tweedie Sporting Club, Jhenida	250
(80) Sunderpur Islamia Sporting Club	100
Murshidabad.	
(81) Youngmen's Association, Borabasar	350
(82) Friends' Union Club, Berhampur	200
(83) Khagra Physical Culture Club	50

District and name of club.	Amount sanctioned.
	Rs.
Bogra.	
(84) Brindabanpara Club	75
(85) Adamdighi Adult Education Centre	100
(86) Joypurhat Club	200
(87) Dubchanchia Club	100
(88) Khanjanpur Club	200
(89) Bogra Town Club	200
(90) Kalerpur Athletic Club	150
(91) Jorgacha Jubliee Sp. Club	50
(92) Rameswarpur Pallimangal Club	50
Malda.	
(93) Napra Kendanga Club	30
(94) Sujapur Athletic Club	100
(95) Enayatpur Union Library and Club	50
(96) Harishchandrapur Sp. Association	100
(97) Rajarampur Sankarbati Association	100
(98) Kalitola Sp. Club, Dinajpur	100
(99) Bhatpara Sporting Association	50
(100) Kaliganga Sporting Association	100
(101) Dinajpur District Sp. Association	100
(102) Pirganj Sporting Association	100
(103) Raiganj Town Club	100
(104) Friends' Union Club, Balurghat	100
(105) Nazipur Sporting Association	100
(106) Alammun Club, Shibganj	100
(107) Mathurapur Club	50
(108) Lahiri Sporting Club	50
Darjeeling.	
(109) Youngmen Athletic Club, Kurseong	75
Jalpaiguri.	
(110) Ladies' Section of the J. C. M. District Sports Association	250
(111) Kumargram Duar Friends' Union	50
(112) Jalpaiguri Town Club	300
(113) Raikatpara Club	200
Rajshahi.	
(114) Rajshahi Town Club	350
(115) Naogaon Naojowan Samity	350

District and name of club.	Amount sanctioned.
	Rs.
Rangpur.	
(116) Khordo Kumarpur Public Association	100
(117) Rangpur Swimming Club	70
(118) Rangpur District Sports Association	200
(119) Khega Kharibari Public Library and Sporting Club ..	200
(120) Dalgram Athletic Club	100
(121) Sundarganj Sporting Club	100
(122) Ulipur Maharaja Srish Chandra Public Club ..	200
(123) K. M. Memorial Club, Belka	150
(124) Gaibandha Town Club	150
(125) Sadullapur Public Club	150
Bakarganj.	
(126) Barisal Bayam Sangha	100
(127) Professor Das' School of Physical Culture, Barisal ..	500
(128) Young Muslim Association, Shehangal	100
Dacca.	
(129) Narayanganj Youngmen's Welfare Association ..	180
(130) Dacca Volley Ball Association	180
(131) Shyama Kanta Smriti Mandir, Arail	175
(132) Patgram Sporting Club	50
(133) Silver Jubliee Sporting Club, Shivalaya	50
(134) Munshiganj Friends' Union Club	70
(135) Bajrajogini Sporting Association	70
(136) Vikrampore Sporting Association, Munshiganj ..	100
Mymensingh.	
(137) Dhanikhola Milan Samaj	150
(138) Phanindra Memorial Club, Achinta	100
(139) Jubliee Sp. Club, Dewanganj	150
(140) Kohinoor Sp. Club, Bhadra	35
(141) Tangail Town Club	80
(142) Bhadra Sporting Club	40
(143) Vivekananda Vidyalay	200
Tippera.	
(144) Comilla Sporting Association	900
(145) Chandpur Sports Association	500
Chittagong.	
(146) All Chittagong Physical and Cultural Society, Madarbari	200
(147) Sadarghat Gymnastic Club	120
(148) Chittagong Health Welfare Society . ..	100

District and name of club.	Amount sanctioned.
	Rs.
(149) Pahartali Sp. Association	50
(150) Patickcheri Muhammadan Sp. Club	135
(151) Patiya Muslim Youth Association	100
(152) Patiya Football Association	100
(153) Osmanpur Union Young Muslim Association	100
(154) Hadi Fakirhat Sebak Samity	100
(155) Mekhala Friends' Union Club	60
(156) Rangunia Sporting Club	90
(157) Cox's Bazar Athletic Association	25
(158) Cox's Bazar Town Club	30
(159) Cox's Bazar Tennis Club	30
(160) Panchalish Muslim Students' Association	100
Faridpur.	
(161) Faridpur Club	300
(162) Young Athletic Club, Habashpur	100
(163) Rajbari Town Club	200
(164) Madaripur Town Club	200
(165) Madaripur Youngmen's Club	250
Birbhum.	
(166) Suri Town Club	100
(167) Bolpur Town Club	150
Noakhali.	
(168) Dutch Recreation Club	170
(169) Noakhali Town Club	170
(170) Muhammadan Sp. Club	170
(171) Western Club	190
Bakarganj.	
(172) Huq Sporting and Rural Development Society, Barisal	125

GRANTS-IN-AID TO CALCUTTA CLUBS DURING 1938-39.

(1) Sinthee Rashbehari Adarsa Byam Mandir	50
(2) Syampooker Sporting Club	50
(3) Narkeldanga Sir Gooroodas Institute	150
(4) Ballyganj School of Physical Culture	75
(5) Swasthya Samity	50
(6) Bengal Olympic Association	750
(7) Bengal Athletic Sports Association	75
(8) Busti Boys (Y. M. C. A.)	200
(9) Khelaghar	50
(10) Baghbazar Gymnasium	75

District and name of club.	Amount sanctioned.
	Rs.
(11) Boys' Training Association	150
(12) Bengal Amateur Swimming Association	210
(13) Gents' United Club	50
(14) Laxmi Sammilani	50
(15) Crown Sports Association	50
(16) School of Physical Culture	150
(17) Ananda Mela	150
(18) Indian Red Cross Society	500
(19) Bengal Basket Ball Association	200
(20) Kumartuli Institute	75
(21) Bengal Volley Ball Association	100
(22) Balak Sangha	50
Total ..	26,000

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state why the district of Khulna is absent from the list?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is more than I can say; perhaps nobody did apply.

Mr. PROMATHA RANJAN THAKUR: What is the average amount of the grant?

Mr. SPEAKER: That is a matter of calculation!

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state whether District Councils have been established all over Bengal?

The Hon'ble Mr. A. K. FAZLUL HUQ: They have not been established, as you know.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*), viz., he works in consultation with District Councils, will the Hon'ble Minister be pleased to state what is the composition of such Councils?

The Hon'ble Mr. A. K. FAZLUL HUQ: I want notice.

Dr. NALINAKSHA SANYAL: Sir, the answer definitely is that the Physical Director works in consultation with the District Councils. If the District Councils do not exist, as the Hon'ble Minister has just said, then that answer must be wrong.

The Hon'ble Mr. A. K. FAZLUL HUQ: I said, wherever they exist.

Mr. PREMHARI BARMA: Will the Hon'ble Minister be pleased to state why the clubs of Dinajpur have been shown under the Maldah district?

Mr. SPEAKER: That question does not arise.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state whether instructions were given to the District Councils in every district of Bengal?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I was going to explain that. My information is at least three months late. I know that instructions were given but at that time, about three months ago, the District Councils had not been formed or, as far as I know, they were being formed. But they may have been formed, and I have no definite information at the present moment.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the minimum qualifications for obtaining a grant as has been indicated in answer (c), wherein it is stated that of the clubs which did not receive grants, one did not qualify for a grant?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is for the Physical Director to say. I do not know on what grounds these grants are made, but I can give information if I get notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any specific rule has been laid down for the issue of these grants, or if there is any particular method of selection, or any particular items, or any qualifying clause?

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as I am aware, the Physical Director acts in consultation with the Director of Public Instruction. He has no advisory committee.

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state whether in order to qualify for a grant it is necessary that these clubs should be absolutely non-political?

Mr. SPEAKER: That question does not arise.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if there is any maximum amount which is available for a club?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is difficult for me to answer such questions, but the distribution is in the hands of the Physical Director. Government do not know the details, but, as far as I can see, there must be certain rules under which he acts.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister please consider the desirability of publishing these rules in the *Calcutta Gazette* for public information?

The Hon'ble Mr. A. K. FAZLUL HUQ: I will consider the point.

Maulvi ABU HOSSAIN SARKAR: Is the Hon'ble Minister aware that the money granted to some of these clubs has been utilized for the purchase of Congress membership tickets?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I do not understand the question.

Maulvi ABU HOSSAIN SARKAR: My question is whether it is a fact that some of the members of these clubs bought tickets which entitled them to be members of the Bengal Provincial Congress Conference out of the money which Government granted to them?

The Hon'ble Mr. A. K. FAZLUL HUQ: My idea is that the Congress is not so popular as that! (Laughter.)

Maulvi ABU HOSSAIN SARKAR: That is not an answer to my question, Sir. I want a definite reply to my question.

Mr. SPEAKER: I don't think that your question arises at all.

Dr. NALINAKSHA SANYAL: Does the Hon'ble Chief Minister's reply arise at all? (Laughter.)

The Hon'ble Mr. A. K. FAZLUL HUQ: No, it does not.

Maulvi ABU HOSSAIN SARKAR: I want to know, Sir, how these grants have been utilized?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is a matter of detail.

Mr. SPEAKER: Mr. Abu Hossain Sarkar, I think you will agree that if there is any case of misuse of money by Government, honourable members should first draw the attention of the Hon'ble Minister concerned to that fact before putting questions.

Maulvi ABU HOSSAIN SARKAR: Sir, my question itself is sufficient notice for that.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that in the matter of distribution of funds, it is the District Magistrate's voice that predominates and that there is no District Council in the districts of Nadia and Murshidabad?

Mr. SPEAKER: Dr Sanyal, don't ask about Nadia. You don't know anything about it. (Laughter.)

Babu NAGENDRA NATH SEN: He comes both from Nadia and Murshidabad!

Mr. SPEAKER: Dr Sanyal, I may tell you for your information that I got a notice only yesterday

Dr. NALINAKSHA SANYAL: Yesterday only! Then let us know who are the members of that District Council.

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot carry all the names in my memory. I must have notice.

Dr. NALINAKSHA SANYAL: My difficulty, Sir, is that I am debarred by your department from sending any further notice on the plea that my quota has been reached. Your department has, in my opinion, put a very wrong interpretation on the rule that when notice is required by an Hon'ble Minister, the question should be treated as a fresh question and then the question of reaching the quota would come in. Then how can I get an answer to my question? I must have a reply.

The Hon'ble Mr. A. K. FAZLUL HUQ: May I submit, Sir, that from the supplementary questions it appears that information is sought on various points, namely, if there are District Councils all over the Province; secondly, if there are any rules which guide the distribution of grants; thirdly, what is the procedure with regard to areas where there are no District Councils; fourthly, if there was a maximum limit, whether that limit was reached; and fifthly, what are the qualifications. In any case, Sir, I promise to make a statement next week.

*456. **The Hon'ble Mr. A. K. FAZLUL HUQ:** May I suggest, Sir, that this question may stand over as the Hon'ble Minister is ill?

Mr. SPEAKER: All right. We shall take up the next question.

Agricultural loan for the district of Tippera.

*457. **Maulvi JONAB ALI MAJUMDAR:** (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(i) what amount of money has been sanctioned for the district of Tippera as agricultural loans;

(ii) how much of that amount has been allotted for the subdivision of Chandpur; and

(iii) what amount has been spent in that particular subdivision up till now showing the amount distributed, union by union?

(b) Is the Hon'ble Minister aware—

(i) that acute distress prevails in the No. 2 Kalocho Union, police-station Jajiganj, and also in some other neighbouring Unions of Hajiganj, Kachua and Matla police-stations;

(ii) that no money has yet been sanctioned for those unions as agricultural loans to the cultivators;

(iii) that the paddy crops were damaged by the flood last year; and

(iv) that there is now scarcity of food and that the cultivators cannot purchase sowing paddy seeds for want of money?

(c) Are the Government considering the desirability of giving agricultural loans to all the needy and deserving cultivators of the Hajiganj, Kachua and Matlab thanas immediately?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) (i) Rs. 3,32,629 during 1938-39 and Rs. 75,000 during the current year.

(ii) Rs. 1,740.

(iii) Rs. 1,740 in Rajargaon Union Board, police-station Hajiganj.

(b) (i) No.

(ii) No applications for loans were received from these unions.

(iii) The damage was not appreciable.

(iv) No such scarcity is reported. Sowing is complete.

(c) Does not arise.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that more than 500 persons of the unions referred to in question (b)(i) filed applications on duly stamped papers, by registered post, to the District Magistrate demanding agricultural loans?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is difficult for me to follow the honourable member. Will he kindly repeat the question?

Mr. DHIRENDRA NATH DATTA: My question was: Is the Hon'ble Minister aware that more than 500 persons of the unions referred to in question (*b*)(*i*) filed applications on duly stamped papers to the District Magistrate by registered post, demanding agricultural loans?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. That is not my information.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that a meeting was held in the early part of May of the residents of the unions, in which a resolution was passed demanding agricultural loans and that a copy of the resolution was sent to the Hon'ble Minister?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I receive so many applications now-a-days that it is difficult for me to remember whether I did receive any such application from this particular union or not.

Mr. SURENDRA NATH BISWAS: May I enquire what procedure Government adopted in the matter of distribution of agricultural loans in the district of Tippera? The other day, the Hon'ble Minister announced in this House that District Magistrates make local enquiries through Subdivisional Officers and Circle Officers and make an estimate of the relief needed and then they begin the distribution of agricultural loans. May I ask whether this procedure was adopted in the Tippera district also?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The usual procedure was adopted.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether any enquiry by Government officers was made as to whether any agricultural loan was required in the unions referred to in question (*b*)(*i*)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In every case enquiries are made. The Subdivisional Officers, before submitting their recommendations to the Collectors, make a thorough enquiry in their subdivisions and then submit their recommendations.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government grant agricultural loans on their own initiative or only on receipt of applications from the agriculturists?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Why should Government grant loans on their own initiative? Nobody grants a loan unless asked for. It is the duty of persons who are in need of money to ask for loans.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he remembers that he announced in this House that District Magistrates had been instructed to make enquiries whether agricultural loan or any other kind of relief was needed in their districts, through subdivisional officers and circle officers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Certainly. The District Officers have their own responsibilities in the matter, but it does not mean that the persons who are in need of money should be absolved of responsibilities to themselves.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether at the conference held by him with the M. L. A.'s and M. L. C.'s of the respective districts concerned, it was agreed by Government that local relief committees, would be appointed at the local units and those committees would be asked to frame estimates of relief and those estimates would be scrutinised by the Circle Officer and then relief would be distributed according to the recommendation of the Circle Officer, and, if so, whether local relief committees were formed in the district of Tippera?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Local relief committees, I understand, have been formed practically everywhere but whether in this particular locality, there is a local relief committee, it is more than I can say at the present moment. But my contention is that it is true that Government have cast certain responsibilities on the local officers that they must see that everybody who is in need of loan should get loan at once; but that does not mean that persons who are in need of loan should be indifferent to themselves. They have got responsibilities to themselves and unless loans are asked for they are not thrust on people by Government officers.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if he is satisfied that no applications for agricultural loans were received from the union and in view of the question put by my honourable friend, Mr. Dhirendra Nath Dutta, will the Hon'ble Minister be pleased to enquire whether any local relief committee was formed in this particular area and whether demands for agricultural loan and other kinds of relief were made?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: My answer is this that no demand for agricultural loan was made from this particular area. But I am prepared to enquire whether local relief committees were formed in this particular area.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if it is not a fact that the Hon'ble Minister acknowledged receipt of such an application and sent a reply to one Dr. Usufali Mazumdar, Secretary of the Krishak Proja Samity, to the effect that the matter had been sent to the District Magistrate for report?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not remember at the present moment whether there was any application made from this particular area or not. In fact, I have not the faintest recollection whether I received any application from this particular area or not.

Kazi EMDADUL HAQUE: Will the Hon'ble Minister be pleased to state whether Government have sufficiently educated the people so as to make their grievances intelligible?

Mr. SPEAKER: Apparently it is not a serious question as there has been laughter from your side.

Mr. NISHITHA NATH KUNDU: In view of the answer just now given by the Hon'ble Minister that persons who need loans must apply and in view of the answer given to Mr. Dhirendra Nath Datta that he has no information about the petition signed by 500 people, does the Hon'ble Minister think it desirable to enquire into the matter whether actually 500 people submitted a petition to the District Magistrate asking for agricultural loans?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If the honourable member will give me particulars, I shall be very glad to enquire.

Mr. SASANKA SEKHAR SANYAL: In view of the fact that complaints about distribution of loans and relief from various districts are forthcoming, will the Hon'ble Minister be pleased to consider the desirability of calling another conference of all district M. L. A.'s and M. L. C.'s with a view to taking proper steps in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. I think the principles adopted at the previous conference are working very satisfactorily. In fact, Government have already distributed nearly Rs. 75,00,000 in course of the last few months and there are very few complaints.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Medical units deputed to the flood-affected areas.

212. Mr. ABUL HOSSAIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health Department be pleased to state—

(*i*) the number of medical units deputed last year to the flood-affected areas of Bengal;

(*ii*) whether each unit consisted of a Sub-Assistant Surgeon, a compounder and a medicine carrier;

(*iii*) whether these were mobile units; and

(*iv*) whether each unit was supplied with utensils, stoves, a tin of kerosine oil and a few gallons of methylated spirit?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for supplying the articles to each unit?

(*c*) When did the flood begin and subside?

(*d*) When were the units deputed?

(*e*) What was the number of Muslims in each rank?

(*f*) Is it a fact that all the employees were recruited from Calcutta?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for not recruiting these employees from the *mufassal* district headquarters?

MINISTER in charge of the PUBLIC HEALTH DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (*i*) 68.

(*ii*) to (*iv*) Yes.

(*b*) The articles were required for—

(1) sterilisation of instruments, e.g., syringes for anti-cholera inoculations, for saline injections and also for quinine injections;

(2) boiling water for intravenous and intramuscular saline injections for cholera patients; and

(3) boiling milk and preparing barley water and such articles of diet for the cholera, dysentery and malaria patients.

(*c*) The floods started and subsided on different dates in different districts. Generally speaking they began from the second week of July and continued to remain high until the end of September after which they generally subsided.

(*d*) A statement showing the number of units sent to each district or municipality and the dates of their despatch is laid on the table.

(*e*) Doctors 4; compounders 5; medicine carriers 7.

(*f*) No. 28 doctors, 35 compounders and 21 medicine carriers were recruited from Calcutta and 40 doctors, 31 compounders and 45 medicine carriers were recruited from the *mufassal*.

(*g*) Does not arise.

Statement referred to in the reply to clause (d) of unstarred question No. 212.

Name of the district or municipality.	Number of units sent.	Date of despatch.
1. Pabna Municipality ..	1	20th October, 1938.
2. Sherpur Municipality ..	1	24th October, 1938.
3. Faridpur district ..	6	25th October, 1938.
	2	3rd November, 1938.
	1	1st December, 1938.
4. Khulna district ..	3	25th October, 1938.
	3	12th November, 1938.
	1	12th December, 1938.
5. Malda district ..	3	26th October, 1938.
	1	31st October, 1938.
6. Bakarganj district ..	1	27th October, 1938.
	1	31st October, 1938.
	1	15th November, 1938.
	2	26th November, 1938.
	2	1st December, 1938.
7. Rajshahi district ..	1	27th October, 1938.
	1	28th October, 1938.
	1	31st October, 1938.
	1	3rd November, 1938.
8. Mymensingh district ..	2	27th October, 1938.
	1	28th October, 1938.
	3	29th October, 1938.
	1	31st October, 1938.
	3	3rd November, 1938.
	1	7th November, 1938.
	1	14th November, 1938.
	4	15th November, 1938.
	1	6th December, 1938.
	1	16th December 1938.
9. Rangpur district ..	6	31st October, 1938.
	2	3rd November, 1938.
	1	12th November, 1938.
	1	14th November, 1938.
10. Jessore district ..	2	3rd November, 1938.
	2	27th November, 1938.
	1	1st December, 1938.
11. Nadia district ..	2	6th December, 1938.

Mr. ABDUL WAHAB KHAN: In view of the answer (*f*) as compared with the answer (*e*), that out of 68 doctors 4 were Muslims, out of 66 compounders 5 were Muslims and out of 66 medicine carriers 7 were Muslims, will the Hon'ble Minister be pleased to state who was responsible for these appointments and the reasons for a disproportionately low percentage of Muslim appointments?

The Hon'ble Mr. TAMIZUDDIN KHAN: The Director of Public Health made these appointments. Applications were called for and the number of Muslim applicants was extremely small.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to consider the desirability of taking steps so that such injustice may not be done towards any community at any time in cases of temporary or emergency appointments of this nature?

The Hon'ble Mr. TAMIZUDDIN KHAN: If my friend insinuates that there was an injustice, I am not prepared to admit that because applications were called for and Muslim candidates were not forthcoming.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state where were the advertisements published—in which papers?

The Hon'ble Mr. TAMIZUDDIN KHAN: As usual, advertisements were published.

Mr. ABDUL WAHAB KHAN: My question has not been answered. My question is—in which papers were the advertisements published?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice for that as I do not remember exactly in which papers these were published.

Mr. M. ASHRAFALI: Will the Hon'ble Minister be pleased to state if all the Muslim candidates who applied were given appointments?

The Hon'ble Mr. TAMIZUDDIN KHAN: If I remember aright, some Muslim candidates applied, but when they were asked for interview, very few of them actually turned up and as many of them as turned up, were, I believe, appointed.

Period of grant-in-aid to educational institutions.

213. Maulvi MD. MOZAMMEL HUQ: (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that grant-in-aid to educational institutions used to be sanctioned previously for a period of three years;

(*ii*) that the period of three years has recently been changed into one year; and

(*iii*) that for this change and the delay in actual sanction of grant the authorities of the institutions concerned fail to make their programme to improve the condition of the schools?

(*b*) Are the Government considering the desirability of reviving the old practice of giving grant-in-aid for three years at a time from the year 1939-40?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) Yes.

(*ii*) Yes, to the extent indicated hereinafter. At the instance of the Accountant-General, Bengal, Government in their letter No. 2149Edn., dated the 24th July, 1933, sanctioned the standardisation of a new form (Bengal Form No. 1280A) for sanction of grant-in-aid below Rs. 100 per mensem in each case. This new form was brought into use from 1st April, 1934, and the Accountant-General, Bengal, issued instructions that all grants-in-aid below Rs. 100 in each case may be sanctioned in the new form for one year at a time with effect from the 1st April, 1934, for conveniences of audit.

In certain cases, grants-in-aid above Rs. 100 per mensem are sanctioned for one year only at a time, namely, when the schools concerned cannot fully satisfy the department about their ability to fulfil the conditions of grant-in-aid. Grants to non-Government Arts Colleges are also sanctioned annually.

(*iii*) Yes, the present change of procedure for sanctioning grants inconveniences the institutions concerned.

(*b*) Yes, so far as sanction of grants below Rs. 100 to non-Government secondary schools and grants to non-Government Arts Colleges are concerned.

Rai HARENDRA NATH CHAUDHURI: With reference to (*b*), will the Hon'ble Minister be pleased to state why educational grants above Rs. 100 will not be sanctioned for three years?

The Hon'ble Mr. A. K. FAZLUL HUQ: The decision was taken on certain considerations, but the point will be reconsidered if, in the

opinion of the Department, any case of considerable hardship is made out which calls for remedy.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that unless grants are continued for at least three years, it is impossible for schools or colleges to frame their budgets and administer their institutions properly?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes; I admit there are inconveniences in yearly grants, but at the present moment I have not been advised to change the rules. I will bear the question in mind and the points that have been urged.

Message from the Bengal Legislative Council.

The Secretary then read the following message:—

The Bengal Legislative Council at its meeting held on the 12th May, 1939, has agreed without any amendment to the Calcutta Police (Amendment) Bill, 1939, and the Bengal Excise (Amendment) Bill, 1939. The Council has also passed the Bengal Finance Bill, 1939, with certain amendments.

Unanswered questions.

Mr. NISHITHA NATH KUNDU: Sir, you may remember I mentioned to you about the questions which I put in the last session, about eight months ago, but which were not replied to. According to your advice I submitted a note on the subject. Will you now kindly remind the departments concerned about the questions that have not yet been replied to?

Mr. SPEAKER: I will look into the matter.

Babu NAGENDRA NATH SEN: We have not got any time-table or agenda for this day's work.

Mr. SPEAKER: Yes; they have been distributed. We will continue any business remaining from the 11th May.

GOVERNMENT BILL.

The Bengal Money-lenders Bill, 1939.

Mr. SPEAKER: I think it is not necessary to issue a fresh notice. It is understood that until the Money-lenders Bill is finished, it would be taken from day to day. Unless Government decide otherwise I am

not anxious at all that we should meet on Saturdays. In a heavy session like this it will be too trying to meet on Saturdays. We will meet on week-days as usual.

We will now take up the discussion on the Money-lenders Bill.

I might announce that yesterday there was a conference of the leaders of different groups and parties and there it was agreed that the definition should be taken up first. Immediately after that, sections 28, and 29 in chapters VI and VII will be taken up. They are really the crux of the whole Bill. Then chapters III, IV, and V will be taken up.

So far as the definition is concerned, the principle which I will follow is this: Immediately after I finish section 1, I come to section 2 which deals with definition. Section 1 is not very important.

So far as section 2 is concerned, there are four or five definitions which are inter-connected, the primary ones of which are No. 10, No. 11, No. 12 and No. 19 and No. 1 which was omitted by the committee. These five really are inter-related. I propose that these five be taken together and if there is any amendment in connection with this section on behalf of Government or on which Government want to give their consent, they will be moved and discussed. If there are any other amendments arising out of this section, I propose to take them after that.

Clause 1.

Mr. SPEAKER: The question before the House is that clause 1 stand part of the Bill.

Dr. NALINAKSHA SANYAL: We have got amendments to that also.

Mr. SPEAKER: Those are minor amendments.

Dr. NALINAKSHA SANYAL: Is it your idea, Sir, that those minor amendments will be overlooked?

Mr. SPEAKER: Dr. Sanyal, I have got to learn many lessons, mainly from the point of view of the objection raised by you. You ought to remember that I have to put every clause before the House before the discussion on it begins. I have to put clause after clause.

Dr. NALINAKSHA SANYAL: I am glad that you have now been putting the clauses in the form regular and parliamentary, and you have revised your previous arrangements. I was simply non-plussed formerly, when you put the question and we had to go to the poles.

Mr. SPEAKER: Men live to learn. We now take up amendment No. 30.

Dr. NALINAKSHA SANYAL: May I know if Government is in a position to make a statement on the terms of the compromise?

Mr. SPEAKER: On the clauses——

Dr. NALINAKSHA SANYAL: May I submit that you will let the House express itself and you will not express yourself so much as to make the course of discussion different from what it would be otherwise.

Mr. SPEAKER: Is the Hon'ble the Chief Minister prepared to make a statement on the whole Bill?

The Hon'ble Mr. H. S. SUHRAWARDY: A statement is necessary from Government regarding its attitude on clause 2 (*10*), namely, such loans as will be excluded and not brought within the purview of the Bill. If the honourable members opposite want me to speak on that——

Mr. SPEAKER: There is no amendment on clause 1?

The Hon'ble Mr. H. S. SUHRAWARDY: Government has no amendment.

Mr. SPEAKER: I take it that Government stands by clause 1?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes.

Dr. NALINAKSHA SANYAL: I beg to move amendments 32 and 33 and I think they will be accepted by Government, because they are going to help Government considerably.

I beg to move that in clause 1 (*3*), line 1, *for* the word "date" the word "dates" be substituted.

I also beg to move that in clause 1 (*3*), line 1, *for* the word "it" the words "different provisions of the Act" be substituted.

The idea is that the Government may be empowered to enforce different parts of the Act on different dates. The Act as a whole may be difficult to apply immediately, but I submit, Sir, that the country cannot wait any longer in obtaining relief so far as the chapters relating to the rates of interest and such other relieving chapters are concerned. Probably it will be difficult for Government to enforce registration, to enforce chapter IV relating to accounts straightaway. Some time must be given, as in the case of licence time has already been provided in

the body of the Act itself that it should be within six months of the operation of the Act. Obviously Government will have to frame a number of rules——

Mr. ABDUL BARI: On what subject?

Dr. NALINAKSHA SANYAL: Will you please wake up; you ought to have followed it.

Mr. SPEAKER: Let there be not too much loud voice.

Dr. NALINAKSHA SANYAL: This question only relates to the extent of the applicability, the time in which this Act will be applied and the method by which the Act will be made applicable. I am only touching the time-limit and I am proposing for the convenience of the members of the Coalition Party that such provisions as are immediately needed be enforced at an early date.

Such other provisions which may require preparation of forms and other preparations that Government will have to undertake, appointment of officers, and so on, may wait, but so far as those sections are concerned which relate to the grant of relief they should be enforced without any delay. With that object in view I have proposed that instead of "it" they, *i.e.*, "different provisions of the Act" be substituted and that instead of the word "date," "dates" be substituted. I suppose the Government will have no difficulty in accepting these amendments because they are only going to strengthen the hands of Government and help them in examining the different provisions and the applicability of different provisions at different dates.

The Hon'ble Mr. H. S. SUHRAWARDY: The Hon'ble Minister will reply. But I do not think that the amendments of Dr. Sanyal have much merit to commend themselves to the House. These are unnecessary. As Dr. Sanyal has himself pointed out the provisions turn on clause 8 which itself contains the provisions for several notifications of the dates. But as regards the question of interest, Dr. Sanyal will see that, as framed, the date of commencement is not of particular importance for the material provisions regarding interest are at present fixed to operate effectively from the 1st of January 1939. As that would be so in any event, there is really no reason why separate provisions of the Act should be brought into operation at different dates. I think, Sir, the amendment should be opposed.

The motions of Dr. Nalinaksha Sanyal that in clause 1 (*3*), line 1, for the word "date" the word "dates" and that in the same line, for the word "it" the words "different provisions of the Act" be substituted, were then put and lost.

Mr. RASIK LAL BISWAS; Sir, I beg to move that in clause 1(3), lines 1 to 3, for the words "on such date as the Provincial Government may by notification in the Official Gazette appoint" the words "on the date when it has received the assent of His Excellency the Governor" be substituted.

আমার এই amendment এর উদ্দেশ্য খুব সহজ ও সরল। এই মহাজনী আইন কোন্ সময় থেকে কার্য্যকরী হবে সেটা করবার ক্ষমতা গভর্ণমেণ্ট নিজের হাতে রেখেছেন। আমরা দেখেছি প্রথম থেকে—যখন এই আইনের খসড়া আমাদের সামনে এসেছে, এবং তারপরে আজকার দিন পর্য্যন্ত—গভর্ণমেণ্টের মনোভাব এই বিল সম্পর্কে আদৌ সহজ এবং সরল নয়। নানা ভাবে নানা দিক দিয়ে এই গভর্ণমেণ্ট বিশেষতঃ কেবিনেটের মেম্বর যাঁরা আছেন তাঁরা—(তাঁরাই ত গভর্ণমেণ্ট), Select Committee থেকে যে বিল বেরিয়ে এসেছে তার বিরোধিতা কোরেছেন কারণ এ বিলটা অতিমাত্রায় radical হোয়েছে, গরীব লোকদের পক্ষে এ বিলটা সহায়তা কোরবে বোলে তারা এটা সহ্য কোরতে পারছেন না। এমতাবস্থায় এই বিল কোন্ তারিখ থেকে কার্য্যকরী হবে সে ক্ষমতাটাও যদি গভর্ণমেণ্টের হাতে আসে তাহলে আমার মনে হয় তারা বিল কোনদিনই কার্য্যকরী কোরবেন না। অথবা বহু বিলম্বে কোরবেন। বিশেষতঃ বিলটা যে আকারে আমাদের সামনে আজ আছে তাতে এ বিলটা দেশবাসী দরিদ্র লোকের পক্ষে অত্যন্ত প্রয়োজনীয়, তাদের ঋণ-মুক্ত করবার পক্ষেও এই বিলটা অত্যন্ত প্রয়োজনীয়। এই বিলে ব্যাঙ্কের অত্যাচার থেকেও লোককে রক্ষা করবার provision আছে।

Mr. SPEAKER: Order, order, Mr. Biswas, I cannot allow any general discussion on this amendment. You must confine yourself to the point as to why do you consider it necessary that it should be given effect to not on such date as the Provincial Government may by notification in the Official Gazette appoint, but on the date when it has received the assent of His Excellency the Governor.

Mr. RASIK LAL BISWAS: Yes, Sir, আমি সেই কথাই বোলতে চাইছি। আমাকে যদি ভাল কোরে বোলতে না দেন তা'হলে আমি কি কোরে সব কথা বুঝিয়ে বোলবো। এই বিলে ব্যাঙ্ক থেকে লোককে উদ্ধার করবার ব্যবস্থা আছে। Co-operative Society র হাত থেকে লোককে বাঁচাবার ব্যবস্থা এই বিলে আছে। Loan Company র অত্যাচার থেকে লোককে রক্ষা করবার ব্যবস্থাও এই বিলে আছে। গ্রাম্য মহাজন যে নানা ভাবে লোকদের উপর অবিচার ও অত্যাচার কোরে আসছে তা থেকে মুক্তি দেবার ব্যবস্থাও এই বিলে আছে। money-lending এ lisence এর ব্যবস্থা এতে আছে, সুদের হার কমাবার ব্যবস্থা এতে আছে, সুদ আসলের ডবল হবে না তার ব্যবস্থা আছে, এবং নালিশ কোরলেও instalment এ আদায় করবার ব্যবস্থাও এর মধ্যে রয়েছে। কাজেই এ বিলটা দরিদ্রের পক্ষে বেশ কাজে লাগবে। গভর্ণমেণ্টের যেভাবের মতিগতি বর্ত্তমান আছে তার ফলে তারা যে, দরিদ্রের উপর সহানুভূতি সম্পন্ন নন তার পরিচয় আমরা অনেক পেয়েছি মন্ত্রীরা তাদের পার্টী মেম্বরদের সঙ্গে ১ মাস যাবৎ যে বক্তৃতা বর্ষিত করছেন তাতেই বেশ বুঝা গেছে যে Select Committee থেকে যে আকারে বিলটি নির্গত হয়েছে তাহা তাহারা সমর্থন করেন না। বড়লোক অধ্যুষিত মন্ত্রীমণ্ডল বড়লোক ও মহাজনদের তুষ্টির জন্য যে ব্যস্ত তাহা বুঝিতে এখন কারও বাকী নাই। কাজেই এই গভর্ণমেণ্টের হাতে যদি তারিখ নির্দ্ধারণের ক্ষমতা দেওয়া যায়, তা'হলে আমার আশঙ্কা যে, ৫ বছর কি ১০ বছরের মধ্যেও এটা তাঁরা কার্য্যকরী কোরবেন না। Education বিলের ব্যাপারেও দেখেছি বহু পূর্ব্বে পাশ হোলেও অনেকদিন ধরে সেটাকে কার্য্যকরী করা হয় নাই। কাজেই একথা বিবিবদ্ধ কোরতে

চাই যে, যে দিন লাট সাহেব বাহাদুর এই বিলে সম্মতি দান কোরে এটাকে আইনে পরিণত কোরবেন, সেই দিন থেকে এই আইন কার্য্যকরী হবে, তা'হোলেই গভর্ণমেণ্ট তাদের সমর্থকদের, অনুগতদের কিংবা বাইরের কোন লোকদের দ্বারা প্রভাবান্বিত হোয়ে এই বিলকে অনেক দিন থোরে আটকে কোরে রাখতে পারবেন না। আমি আশা করি দরিদ্রের যাঁরা প্রতিনিধি এই House এ আছেন, গরীবের জন্য যাঁরা চিন্তা করেন, তাঁরাই এই দাবীকে অনুমোদন কোরবেন।

Mr. SHAHEDALI: Sir, I beg to move that in clause 1(3), in line 3, after the word "appoint" the words and figures "but not later than the 31st December, 1939" be inserted.

In moving this amendment I beg to submit that Mr. Rasik Lal Biswas has already put forward the reason why a fixed date should be given. We have seen in the past that we cannot solely depend upon the Ministry. They are sometimes guided by the members on my left. As regards this Money-Lenders Bill they have done many things and we have also seen that the Government have shifted the dates for the consideration of this Bill from day to day and they are even now prepared to shift the date. It is for this reason that there should be some fixed date on which the Act should come into operation.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 1(3), in line 3, after the word "appoint" the words "but not later than the 31st July, 1939" be inserted.

In moving my amendment I beg to submit that the reasons are the same as those given by Mr. Rasik Lal Biswas and Mr. Shahedali and I only want to add that as the Bill is intended to prove beneficial to a large number of debtors in these difficult times of distress, the sooner it is passed into law and given effect to the better.

Mr. SPEAKER: There are three amendments on this point as to the date of the applicability of the Act. The first is proposed by Mr. Rasik Lal Biswas that it should take effect from the date on which it has received the assent of His Excellency the Governor; the second by Mr. Shahedali that it should come into force not later than the 31st December 1939 and the third by Mr. Md. Abul Fazl that it should come into force not later than the 31st July, 1939.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I suppose it may be taken for granted that Government oppose all these amendments.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir, who is in charge of the Bill?

The Hon'ble Mr. H. S. SUHRAWARDY: The Hon'ble Nawab Musharruff Hossain is in charge of the Bill.

Mr. SANTOSH KUMAR BASU: But you are discharging his duties.

The Hon'ble Mr. H. S. SUHRAWARDY: He has asked me to reply.

Mr. SPEAKER: Let us not interfere with the domestic arrangements of the Hon'ble Ministers.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: You know, I am unwell, and therefore I have asked my friend, Mr. Suhrawardy to reply on my behalf.

The Hon'ble Mr. H. S. SUHRAWARDY: I thought that the first speech to the gallery would have been on a more important point than the question as to when the Bill will come into operation.

Mr. SANTOSH KUMAR BASU: You are used to making speeches to the gallery.

The Hon'ble Mr. H. S. SUHRAWARDY: No, I am not used to making speeches to the gallery; that I reserve for the honourable gentlemen on the other side, because the gallery is their particular jurisdiction.

Sir, there is no reason why the Bill should not be brought into operation at the time it is published. We deny the charge that we have been prolonging this Bill. The Bill has been considered very thoroughly, and we have taken great pains over it and we have been most anxious to bring it to discussion as early as possible. But everybody realises that this is a most difficult Bill and affects very large interests which have to be considered from all points of view. If Government had not been desirous of putting this Bill on the Statute Book as early as possible, Government would not have prolonged this session and, in fact, insisted on continuing with this Bill in this session. There is no reason at all to apprehend that we shall not bring it into operation as early as we can.

Regarding the amendments of Mr. Shahedali and Mr. Abul Fazl, I am afraid, if we are unable to bring it into operation by a specified date, the Bill will again have to come back to this House for consideration, as was the case with the Bengal Tenancy (Amendment) Act. In that case a certain date was given, and owing to certain circumstances we could not bring it into operation by that date and we had to modify it. There are certain rules of procedure according to which the Bill will go from here to the Upper House. We do not know what will happen there, whether it will be passed there without any alteration or

not and thereafter it may come back to this House, and we do not know also whether we will accept the amendments of the Upper House or not. Therefore it is dangerous to fix any date, as has been suggested by these two members.

I, therefore, recommend that all these amendments be opposed.

The motion of Mr. Rasik Lal Biswas that in clause 1(3), lines 1 to 3, for the words "on such date as the Provincial Government may by notification in the Official Gazette appoint", the words "on the date when it has received the assent of His Excellency the Governor" be substituted, was then put and a division taken with the following results:—

AYES—70.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan Mr. Syed.
AsimuddinAhmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chakraborty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mandal Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mukherji, Dr. H. C.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Pain, Mr. Barada Prosanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kisheri Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Waliur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—112.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. *alias* Lal Meah.
Abdul Karim, Mr.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. I
Abdur Rashid Mahmood, Mr.

Abdur Rashood, Maulvi Md.
Akhtar Rauf, Mr. Shah.
Abdus Shahood, Maulvi Md.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Barat Ali, Mr. Md.
Basu, Mr. Jatindra Nath.
Bell-Hart, Miss P. B.
Birkmyre, Sir Henry, Bart.
Blomenstock, Mr. L. M.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendra Nath.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman (Mymensingh), Mr.
Golam Sarwar Hossini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gupta, Mr. J. N.
Gurung, Mr. Dumber Singh.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hasem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hendry, Mr. David.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Manirudin Akhand, Maulvi.
Marindin, Mr. F. J.
Miles, Mr. C. W.
Millar, Mr. C.
Morgan, Mr. G., C.I.E.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawai Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Norton, Mr. H. R.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Ray Choudhury, Mr. Birendra Kishore.
Razaur Rahman Khan, Mr.
Ross, Mr. J. B.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sanaullah, Dr.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Shamsul Huda, Maulana.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 70 and the Noes 112, the motion was lost.

The motion of Mr. Shahedali that in clause 1(3), in line 3, after the word "appoint" the words and figures "but not later than the 31st December, 1939" be inserted, was then put and lost.

The motion of Mr. Md. Abul Fazl that in clause 1(3), line 3, after the word "appoint" the words "but not later than the 31st July, 1939" be inserted, was then put and lost.

Mr. SPEAKER: Mr. Charu Chandra Roy, your motion is not in order.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

Mr. SPEAKER: We shall now take up clause 2.

Dr. NALINAKSHA SANYAL: Sir, may I submit that you have the right to split up the clauses and the amendments——

Mr. SPEAKER: Dr. Sanyal, you may rest assured that I am doing my best, but whether you agree with me or not, that is more than I can say. (Laughter.)

I propose to take up the definitions of "bank", "loan", "money-lender", "money-lending business", all these four now, and I think, incidentally, that another item, namely, the definition of "lender", should be taken up along with it, because I think that the last one stands in the same position as the other four.

Dr. NALINAKSHA SANYAL: Sir, it was agreed that clause 2(*10*) should be taken up first.

Mr. SPEAKER: It will depend on whether you are going to exclude "bank". Therefore, the definition of "bank" will come up first.

Dr. NALINAKSHA SANYAL: I submit, Sir, that it should come up later on.

Mr. SPEAKER: That means double discussion, and I hope you realise that. Unless you define "loan", you cannot take up "money-lending business", because they are absolutely the same.

Dr. NALINAKSHA SANYAL: So, "loan" has to be defined first.

Mr. SPEAKER: All right. I have no objection to that.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the position is this. I think Dr. Sanyal wished to know to what extent Government could go with respect to the amendments which I have had the honour to table.

It will make the position quite clear if I were to say that in tabling those amendments Government intended them to be the basis of discussion, without their being exactly the views of Government.

Sir, so far as the definition of "loan", namely, clause 2(*10*), is concerned, I am afraid, Sir, that Government have not been able to get beyond the question regarding scheduled banks, and if you will give me leave, Sir, I would like to move my amendment——

Mr. SPEAKER: The only point for the time being is whether we should take up clause 2(*10*) first or any other definition.

The Hon'ble Mr. H. S. SUHRAWARDY: My submission, Sir, is that clause 2(*10*) should be taken up first.

Mr. SPEAKER: That will do. That is the only relevant point. The House will now consider the definition of "loan", namely, clause 2(*10*).

Mr. Suhrawardy, you have got an amendment on this?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir.

Dr. NALINAKSHA SANYAL: Sir, before the Hon'ble Mr. Suhrawardy speaks, may I submit one thing?

Mr. SPEAKER: Yes.

Dr. NALINAKSHA SANYAL: When we were in the conference summoned by you, we understood that if Government gave us a general indication not merely with regard to this particular clause but with regard to the other clauses that were likely to come up, e.g., rate of interest or restrospective effect, it would be difficult for the House to come to any decision regarding loans unless and until we knew whether such loans were or were not likely to have retrospective effect or were not likely to be governed by the new rates of interest that this Bill is going to impose. I want to know, Sir, whether Government stand up to that principle or whether they stand by the statement just now made by the Hon'ble Mr. Suhrawardy, regarding applicability from the 1st of January. If we take the Bill as it stands, then it would be difficult for us to follow the debate clause by clause. Presuming that the Bill, as it stands, will have applicability, let us have some indication of that now, Sir.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am afraid that that is somewhat impracticable, because every clause will have to be taken up separately and dealt with separately. As the various clauses stand, Government have not moved any amendments in respect of retrospective effect, nor have they moved any amendments in respect of rates of interest. Therefore, so far as it is apparent from the papers which have been circulated, as at present advised, Government stand by the clauses as have been sent in by the Select Committee. On the question of definition of loan, I was submitting to you and asking your permission to move my amendment No. 6 of the further amendments at

page 3 in two parts. With your permission, I would like to move only that "after clause 2 (10) (c), the following sub-clause be inserted, namely;—

(d) a loan advanced before or after the commencement of this Act—

(i) by a bank which was a scheduled bank on the 1st January, 1939, or by a bank which has been declared to be a notified bank under section 2A, whether or not such bank was a scheduled bank or was so declared to be a notified bank, as the case may be, at the time the loan was advanced."

Dr. NALINAKSHA SANYAL: Sir, may I know if he will move only the first part and the second part will not be moved at all in future?

The Hon'ble Mr. H. S. SUHRAWARDY: I propose to move the second part separately in future. I would like to move only this amendment, because this amendment regarding scheduled banks does not affect, if I may submit, the other amendments.

Mr. SPEAKER: I think there would be difficulty, and in that case you will not finish in two months.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I do not think there would be much difficulty. We may now consider these banks and the scheduled banks and their exclusion which form one of the most important controversial items of the Bill and are subjects of many minutes of dissent. With regard to the other amendments, which are more or less lumped together, I do not think there would be very much difficulty. After all, there are

Mr. SPEAKER: Your point is that for the time being you want to decide whether scheduled banks should be excluded from the operation of the definition of "loan". That is the only point that you want to raise now?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, may I at this stage intervene and make the position of Government clear if it has not been made so by the statement made by the Hon'ble Mr. H. S. Suhrawardy?

Now, Sir, the bona fides of Government has been challenged by Mr. Rasik Lal Biswas in the opening speech. But I may tell the House that it is the Government which have brought forward this Bill.

(DR. NALINAKSHA SANYAL: No, Sir, it was a private Bill.) You may go on questioning. Government are most anxious to place this Bill as an Act on the Statute Book. The position we take up is this: we have been able after long deliberations to come to a conclusion on certain points and we hope to finish our debate and our deliberations by to-morrow. Once we namely, Government in consultation with the Coalition Party, make up our mind, we want to let the Opposition know what the position is, and I hope once the position is made clear by mutual agreement, there ought not to be very much time wasted over the other provisions of the Bill. There are just a few controversial matters and once these are decided the rest will be plain sailing, so that there cannot be any apprehension that it will take a very long time. It may take some time in the beginning to settle the controversial matters, but when that stage is got over, the rest will be a very easy matter to deal with. Therefore, I think, Sir, the course suggested by the Hon'ble Mr. Suhrawardy may be accepted for the moment, and by to-morrow we shall be able to put before the House a complete picture of what we propose to do.

Mr. SPEAKER: I think, it would be best if we carry on general discussion for half an hour and adjourn the House at half past six. We will take up the matter again to-morrow. In the mean time, discussion may proceed only on the point raised in the amendment of Mr. Suhrawardy.

Rai HARENDRA NATH CHAUDHURI: Sir, may we know if you are going to take any decision on that to-day?

Mr. SPEAKER: No.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I think it would do if I move only the first portion of my amendment.

Mr. SPEAKER: I think, it would be proper if, along with this amendment, you take up the amendment on the definition of scheduled banks and the amendment on the new clause 2A about notified banks. Unless all these three are moved together, it will be difficult for members to come to a decision.

Dr. NALINAKSHA SANYAL: Probably it would help matters, if we could have a discussion on the more exclusive items suggested, namely, whether the House would like to control all kinds of banking institutions in the same manner. It is quite possible that the House may consider that the scheduled banks should be in a position to control all other banks similarly situated. That being the position, I put it to you, Sir, that you may follow the ordinary parliamentary convention to have the most exclusive items discussed first.

Mr. SPEAKER: What are the most exclusive items?

Dr. NALINAKSHA SANYAL: The most exclusive item is whether all banks or credit institutions should be included or excluded.

Mr. SPEAKER: Is there any such amendment?

Dr. NALINAKSHA SANYAL: Yes, Sir. We have got such an amendment.

Mr. SPEAKER: You may remember that you agreed to take this up afterwards.

Dr. NALINAKSHA SANYAL: We only agreed to that, on the clear and definite understanding that Government will give us an idea of what decision they have come to regarding different chapters and different sections.

Mr. SPEAKER: They will be able to give it to-morrow.

Rai HARENDRA NATH CHAUDHURI: In view of the fact that this item is going to be taken up, will you, Sir, permit others to move their amendments on it?

Mr. SPEAKER: I will consider that.

The Hon'ble Mr. H. S. SUHRAWARDY: Along with that, I also beg to move that after clause 2(17), the following be inserted, namely:—

"(17*a*) 'scheduled bank' has the same meaning as in the Reserve Bank of India Act, 1934."

I also beg to move that after clause 2, the following clause be inserted, namely:—

"2A. The Provincial Government may, by notification in the Official Gazette, declare any bank to be a notified bank for the purposes of this Act."

The purpose of this amendment is to exclude the scheduled banks from the purview of the Bill and of the various regulatory measures to which money-lenders will have to conform. The Bill as at first introduced excluded all banks. The Bill as modified by the Select Committee has included all banks within its purview. There is, however, a large volume of opinion for the exclusion of scheduled banks from the purview of the Bill as will appear from the minutes of dissent appended to the Report of the Select Committee. On the one hand, Government desire as far as possible to regulate money-lending, or the other.....

Dr. NALINAKSHA SANYAL: Will you kindly quote from the minutes of dissent whether they are confined merely to scheduled banks or to other credit institutions also?

Mr. H. S. SUHRAWARDY: As far as Government are concerned, they will only exclude the scheduled banks. They think that it will be extremely dangerous for reasons which I shall give later to exclude other banks, many of whom are merely banks in name but are money-lending societies in essence.

On the one hand, Government desire, as far as possible, to regulate money-lending; on the other, they feel that they should only regulate such transactions only as need to be regulated. Money-lenders are generally in an advantageous position and charge from the hapless and helpless debtors rates of interest justified by the economies of the time. Unregulated, the free play of contracts has thus led to considerable hardship. On the other hand, we do not think that we should be right in interfering with the complicated system of money-lending transactions of banks the conditions of which depend to a large extent on economic factors. Further, we feel that we should not unnecessarily stop the growth of banks and banking facilities, nor do we desire that we should handicap commercial and industrial credit facilities. Now the banks which are properly run and which are banks not merely in name but in essence, have to be governed by rules to which the ordinary money-lender does not conform. There is a rate of interest at which scheduled banks can borrow, a rate which depends on what is known as the bank rate which is normally charged for advances against Government securities and which is governed by factors partly local and partly international. Scheduled banks, moreover, have to conform to certain conditions which are laid down by the Reserve Bank Act. Balance-sheets must be issued, reserves maintained in Government or other Trustee Stock, 20 per cent. of the profits must be set aside to reserve before the declaration of a dividend until the reserve equals the paid-up capital, deposits must be accepted withdrawable by cheque, cash reserves maintained equal to 2½ per cent. of time liabilities and 5 per cent. of demand liabilities and there must be a deposit of 5 lakhs of rupees. The rate which will be charged by the scheduled bank for loans will depend on the bank rate, and it is highly improbable that whatever might have been the conduct of a bank before it became a scheduled bank and whatever steps it may have taken to increase its assets it cannot pursue those steps after having become scheduled. Such banks also deal largely in commercial and industrial transactions. Their assets must remain liquid to a large extent, and they cannot afford to tie up any reasonable proportion of their assets in mortgages on lands. Now, a well-ordered and well-run bank, as we expect scheduled banks to be, can fulfil a very necessary want of the country, and as the duty of any well-ordered Government should be to encourage

the establishment of such banks and not to stop their growth or to cripple or paralyse banks, Government deem it desirable that scheduled banks should be excluded from the provisions of this Bill. Actually, the rates charged by the scheduled banks are lower than the rates laid down in the Bill. Nevertheless, when these rates depend on economic factors beyond the control even of the Provincial Government and the bank rates in times of stress rise above the rates laid down in the Bill, there seems little reason for regulating rates of scheduled banks by means of legislation. There is a danger, too, that if the scheduled banks are included within the purview of the Bill, they would not be prepared to run the risk of their advances falling within the scope of the Bill, and a large proportion of existing advances, particularly those against property, would be called up and no fresh advances are likely to be made. This would restrict credit considerably. The interest rates are also governed by competition between banks for business, and hence rates charged by scheduled banks vary with the bank rates. The difference in the case of scheduled banks between borrowing and lending is not considerable as they deal in large sums of money, and a small margin can give them sufficient return to meet their expenses and to provide them with a dividend. The agriculturists also who are credit-worthy can obtain advances from the smaller scheduled banks at reasonable rates where, in all probability, money-lenders would charge high rates. Banks also have to depend on compound interest; as reserves must be liquid they cannot afford to litigate or to have their assets spread out in long instalments. It would be undesirable also in most cases to reopen their past transactions on the basis of which reserves have been accumulated; expenses incurred and dividends paid. There is a danger, therefore, that the restrictions which are being placed on lending as a result of this Bill would end in restriction of deposits and lending business. Now, Sir, it is after the greatest amount of consideration and deliberation that we have decided to exclude scheduled banks from the operation of the Bill. We could have brought scheduled banks within the purview of the Bill and excluded them from those items which would interfere with their business or make provisions for such other items as applied to scheduled banks. For instance, we could have made provisions for compound interest or we could have excluded the item dealing with instalments. We feel, however, that we would not be justified in regulating them, unless the banking business of scheduled banks was being carried on in a manner detrimental to the interests of the people and required curtailment and regulation. Moreover, banking systems are complicated. It would be impossible within the purview of the Bill dealing with usurious money-lending to make provision for all the various requirements of a complicated banking system. We have also examined the position as to whether we should not exclude loans given to agriculturists from this regulation, that is to say, while excluding scheduled banks, regulate loans issued by the

scheduled banks to agriculturists. In regard to this we feel that the scheduled banks do not in any great measure advance loans to agriculturists at usurious rates whatever may have been the nature of their transactions before they became scheduled banks. They can only advance loans to persons whom they know well and where the loans are not risky. Restrictions in favour of agriculturists might result in hampering the transactions of these banks, for it is clear that banks would not take the risk of advancing money to a person in respect of whose status as to whether he is an agriculturist or not, they may have even the suspicion of a doubt. Credit facilities are, therefore, likely to be considerably curtailed if we include loans to agriculturists. We propose, however, to examine this question still further. There are scheduled banks which advance loans to agriculturists. It will be our endeavour to see that their transactions are conscionable and do not operate harshly against the people. If they, as we have good reasons to believe, are fulfilling a want of the people of the Province, we shall be glad to exclude them, but if they do not conform to those standards of fair dealing to which we believe that the scheduled banks do conform, we shall be reluctantly compelled to take steps.

Honourable members may have seen that there is a reference to notified banks in my amendments. Under a new section 2A which I have moved, Government may notify certain banks, and after such notification these banks will not be regulated by the various provisions of the Bill. The purpose of this amendment is to encourage good banking. If banks conform to those standards of rectitude and propriety, that I would expect sound money-lending business to conform to, and if they are useful to the people of the Province, there is no reason why they should be called upon to submit to those restrictions and rules and regulations which are really meant for unconscionable money-lenders and there is no reason why they should not be notified and excluded from the purview of the Bill. Further the privilege of notification also, we hope, will encourage banks to place themselves on a sound footing—the banks for whom presumably Dr. Sanyal will make a powerful plea.

Dr. NALINAKSHA SANYAL: Place the Cabinet on a sound footing!

The Hon'ble Mr. A. K. FAZLUL HUQ: The Cabinet is on a sound footing.

The Hon'ble Mr. H. S. SUHRAWARDY: The privilege of notification will encourage banks to place themselves on a sound footing.

Dr. NALINAKSHA SANYAL: A good idea!

The Hon'ble Mr. H. S. SUHRAWARDY: It is not possible for us to exclude all banks from the purview of the Bill because there are

many institutions which masquerade under the name of banks, the institutions which seem to have found a powerful exponent in Dr. Sanyal, but which are really loan societies which have in the course of their dealings operated most harshly against the poor agriculturists and generally against the poorer section of our people. I would like to make it clear that it is not the intention of the Government to notify such institutions. Government reluctantly have taken these powers to themselves because they feel that all the banks should not suffer for the misdeeds of some and there may be banks, which though not scheduled banks, still deserve consideration and support. We hope that the amendment which I have the honour to move will succeed in securing to our people increased credit facilities along regulated channels through banking institutions and at the same time encourage sound and honourable banking and provide commercial and industrial facilities to our people.

Mr. SASANKA SEKHAR SANYAL: Sir, we have heard with careful attention the precious observations which have fallen from the lips of the Hon'ble Minister who is in pseudo-charge of the Bill. We do not conceal our disappointment and supervise at what the Hon'ble the Chief Minister said that the Government have not yet made up their mind with regard to certain provisions of the Bill. Sir, that can be explained only by the fact that it is not a voluntary Bill on the part of the Government although the Hon'ble the Chief Minister wanted to take pride that the Government took the initiative in the Bill. (A VOICE FROM THE COALITION BENCHES: The Congress Party compelled them!) I am not only taking credit for the Congress Party but I am also prepared to give credit to the saner section of the Coalition Party which is still less powerful than it ought to be. Sir, the Hon'ble the Chief Minister has got a convenient memory, but we have not. We all know, Sir, the history of this Bill. It has not been for a very short time before this House or before the Government. You remember, Sir, as we do, that a private member's Bill (DR. NALINNAKSH SANYAL: Three private members' Bills). Three Bills were the fore-runners of this compelled Government Bill. And if I mistake not, series of Bills came into your department from various sections of this House, because most of us fought our elections, among other things, on the basis of liquidation or scaling down of rural indebtedness and just as in the case of the Bengal Tenancy Act, Government were forced to take up that Bill because there were quite a large number of private Bills, similarly in this case also, Government were forced to take up a Bill of their own because there were a large number of private members' Bills, and the Government have not yet made up their mind simply because they have no independent mind to apply to. Mr. Speaker, Sir, we are still more surprised, I should say, disappointed, by the attempt, a very belated attempt, now

to exclude certain parties from the operation of this Bill. Sir, the Hon'ble Minister who has just spoken, I mean the Hon'ble Mr. Suhrawardy, has read out a written thesis punctuated by his own oral statement in which he has tried to make out a poor show. Sir, if these were good arguments for excluding scheduled banks, well, I do not know why they should not be equally good for excluding other banks. If the other banks are guilty of certain misconducts which necessitate the application of this Bill to those banks and loan offices, I submit, Sir, the arguments and reasons are equally strong for including the scheduled banks whatever the description of those banks within the purview of this Act. Sir, we all know how the Government is moving with clay foot. Government cannot make up its mind on account of certain reasons. There are difficulties within the Coalition Party and there are difficulties from the Congress section. (Cries of "No, No" from the Coalition Benches.) Well, I am not proud of you when you say "no". I would be proud of you if you say "yes" because not only the Congress Party but also the radical elements of the Coalition Party had to fight their elections with a promise that "we are out to scale down rural indebtedness." Of course to-day the exigencies of Government have made the Coalition Party ally with the European Group and the radical section of the Coalition Party cannot get out of that pressure. But I hope the time will come when the more radical section of the Coalition Party will assert themselves and will get out of this subordination or domination of the European Group over them.

Mr. Speaker, Sir, we on our side want to make our position perfectly clear. We are bound by the fundamental articles of the Congress Constitution to help any measure which is calculated to scale down the rural indebtedness, and from that point of view we have welcomed, as far as it is possible for us to welcome, the different provisions of this Bill. But to-day at the 59th minute of the 11th hour a surprise has been sprung upon us. We are told that it is proposed to exclude certain classes of parties, certain banks, on the ground that they are scheduled banks that they are very good banks, that they are composed of good men who do not know how to commit any offence upon others. Well, I can only say that we pity the Government for this unnecessary somersault and we also pity the radical members of the Coalition Party who have got to floor themselves before this unholy alliance between the Cabinet and the vested interests to my left. Mr. Speaker, Sir, there may be some justification in dividing some classes of transactions. There are productive debts and there are unproductive debts. There will be some sense in dividing loans into commercial and non-commercial, although personally I am not very sure, even if the commercial loans are excluded, much nepotism and jobbery will not be committed.

Apart from that, there is no justification for separating a class from a class, because either the scheduled banks deal with money-lending or they do not. If they do not, they need not be afraid of this Bill. But if they carry on money-lending business as private persons and other loan offices do, I submit they should be dragged equally into the operation of this Bill, because they cannot go on merrily with their banking transactions while other parties will not have the benefit of carrying on business in that way. What will be the effect, Sir? If the scheduled banks which are, with very few exceptions, located in Calcutta, are excluded, rural capital will try to evade the provisions of this Bill and that will have a tendency to flow into Calcutta so that the scheduled banks which are invariably capitalistic in their construction, will have to further capitalism in rural areas, and these scheduled banks will get fatter and fatter and rural capital will get shy of them. If you make a territorial discrimination, Calcutta will be above the purview of this Bill whereas the mofussil places will be operated upon by this Bill. I submit, this is not a fair deal. There may be exigencies for the Cabinet, but we on this side of the House cannot acquiesce in this provision which affects democracy in general and which also affects the money-lending transactions ..... (KHAN SAHIB MAULVI SYED MUHAMMAD AFZAL: But in the Select Committee you combined with the Europeans)..... . We do not know what happpened in the Select Committee. Mr. Afzal may be the keeper of conscience of the Coalition Party, but I would ask him to take greater care of his conscience, and by laying his hand on his heart to confess to himself that they could not get out of the subordination which is being exerted and exercised upon his party by the European group. Whatever my friend Mr. Afzal, whatever the apologist Minister Mr. Suhrawardy and whatever the Chief Minister might say people outside will understand, and it will be writ large on the wall that the Coalition Party at long last had to surrender themselves to the European party only to keep alive the poor souls of the Ministers.

Mr. Speaker, Sir, having regard to the question of the notified banks, I view with unmixed horror that this is a case of nepotism and corruption. If the discretion of notification is vested in the Government and if the House is not consulted and if rules are not framed, I submit that Ministerial corruption which is not very rare in this Province will go up by leaps and bounds. So, I submit on the short point as to whether the scheduled banks should be excluded or not, that I on behalf of our party enter our emphatic protest against that We do not want any departure from uniformity in the applicability of the law in this Province. We know that money-lenders, in whatever shape or form they come, have got to be braked; some check has got to be applied on them, and from that point of view we are not going

to be the respecter of any persons or parties. If we have no mercy for these individual money-lenders, probably most of whom will be crushed; still we have got to look after them, because as we are pledged upon scaling down the debts even from private money-lenders with their limited capacities, why should we have softness for those banks who have a greater sustaining power? Let us have a uniform law and a uniform mind. I do not want to make any academic observation on the Bill, but I appeal to my friends of the Coalition Party that they probably are not lost to themselves and we are still looking up to them for redeeming their conscience. Let not the future historian of Bengal say that the members of the Coalition Party belonging to the rank and file of the society, who came here by the suffrage of the starving millions of peasants, at least could not keep themselves in a balanced state but surrendered themselves to the Europeans and other vested interests only for the temporary exigency of maintaining a Ministry which, if it cannot stand upon its merits, ought to go automatically.

The House was then adjourned for 20 minutes.

After adjournment.

Mr. NISHITHA NATH KUNDU: Mr. Speaker, Sir, I rise to oppose the amendment moved by the Hon'ble Mr. H. S. Suhrawardy. I must say that this Bill if passed with the amendments just moved by the Hon'ble Minister is sure to attain notoriety for its onesideness, for its ununiformity of nature and for its arbitrariness. The Hon'ble Minister was telling us about other small banks.

While speaking about the small banks in the mufassal, the Hon'ble Minister described them as mere loan offices. If these banks at any time intend to do real banking business, then by this amendment they will be prohibited from doing that for ever.

Then, Sir, these small banks may combine together and form into a scheduled bank all at once for safeguarding their own interests and for the safety of their transactions, and thus they may make an attempt to get themselves out of the purview of this measure. (THE HON'BLE MR. H. S. SUHRAWARDY: They will not come under the operation of this Bill.) But there is provision for their being roped in, and I see no reason for refusing those banks the status of notified banks hereafter. In this connexion, Sir, we have got to consider the effect of this amendment on these banks. What will be the effect? The effect will be that the already dried-up credit of the Province would be still more dried up, and the miseries of the mufassalites will know no bounds. This, in brief, will be the dreadful effect on the mufassalites, if this amendment is accepted.

Then, Sir, private bankers may be tempted to deal with scheduled banks; so, this is the effect of ununiform legislation which we should very sternly oppose and which we should refuse to pass.

When we first came across the original Bill, Sir, we were satisfied that Government were introducing a piece of legislation, which if carried into law, would be of real benefit to all concerned, but it is a mystery, Sir, that after a few months—or a few weeks rather—Government have learnt a good lesson from certain quarters, but they have not been able to satisfy us with good reasons about the importance of this amendment and the data which have impelled them to put it forward. The arguments that they have advanced in this House are without any foundation and basis whatsoever. Are we to take it that Government do not care for the majority of persons who live in the mufassal? If we support this amendment, it will only mean that we do not feel for their wants and necessities.

The Hon'ble Minister has told us about some control that Government will have on the rates of interest, money-lending business, and other things so far as the scheduled banks are concerned, but we all know, Sir, that there is no such provision in the law. That shows that we in the legislature shall have no control at all, in effect - the control that we shall have will be nothing more or nothing less than the control that we now have, viz., that there will be the usual corruption and that those banks which will be able to satisfy the controlling officers by some means or other will be able to carry on their business as usual and continue their usual practices and we will have no control over them. This means that they will continue the evil practices that are going on now, and those banks which will not be able to receive favours from the controlling officers will have to close down their businesses. In this way, from every point of view that we may look at this amendment we find that nothing good will come out of this amendment. Only the hardship which the agriculturists living in the mufassal are experiencing at present will be enhanced.

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir, I rise to oppose all the three amendments moved by the Hon'ble Mr. Suhrawardy.

I wonder, Sir, why and how these amendments were brought by the Hon'ble Minister. This piece of legislation was not brought before the Legislature as a hasty piece of work. So far as I remember, at the very first sitting of the Assembly in 1937, three private Bills sponsored by my friends Mr. Ahmad Hossain, Mr. Rajibuddin Tarafdar and Mr. Abdul Hakim were sent to the Select Committee. That Select Committee made deliberations in the cool heights of Darjeeling and they came to certain conclusions. The Hon'ble Minister, the sponsor of this Bill, then gave

us an assurance that Government legislation was coming up shortly, and so the report of that Select Committee was not taken into consideration. Subsequently, the Bill came, and it was sent to the Select Committee. It was thrashed again and again and then after mature deliberation the report of the Select Committee was placed before the Assembly. At that time, Sir,——.

Mr. SPEAKER: I should just like to give you a little hint that we are not discussing anything except whether scheduled banks should come in, in the scope of the Bill—nothing further. I am afraid that you are extending your points too much. I can allow you only to make a casual reference to other matters, but the background should not be such as to overshadow the foreground.

Maulvi ABU HOSSAIN SARKAR: All right, Sir. I shall take that hint.

As I was saying, Sir, at that time I supported the Hon'ble Nawab when he moved for the consideration of the report of the Select Committee, but I did not think then that lions could be found in Bengal in their natural and wild state, and the roars that we can hear in Bengal are from the cages of a circus!

Mr. SPEAKER: Order, order. I will have to rule you out if you continue like that.

Maulvi ABU HOSSAIN SARKAR: Sir, I shall read out what the Hon'ble the Chief Minister speaking on the floor of the House said on the 4th of April last. I am quoting this from the proceedings of the Legislative Assembly. The Hon'ble the Chief Minister said: "On behalf of the European Group, my friend Mr. Wordsworth the other day and to-night Mr. Whitehead have remarked that Government should give a short of assurance that the point of view of the European Group as reflected in the various amendments suggested to the Bill would receive due and adequate consideration. Most certainly, these points of view will be considered." At that time, Sir, I concluded—at least I surmised—what shape the Bill would take. On that occasion, a hint was given that anything wanted by the Europeans or the vested interests in Bengal would be granted and that the Bill would take a particular shape. This shape is now taking its course with the result that we get all these amendments moved by the Hon'ble Mr. Suhrawardy.

At this stage, Sir, may I ask the Cabinet members, under what principle this Bill is now being sponsored in the Assembly? When the report

of the Select Committee was presented, I understood that the Bill would be run on two principles—one was to cut down the debt of the agriculturists and other people who were groaning under chronic debt and at the same time provision would be made to bring down or minimise the amount of unearned income derived from money-lending business, so that the capital of the country may flow for the development of commerce and industry. But now we find that both these principles are being disregarded and abandoned. By amendment after amendment, the Hon'ble Mr. Suhrawardy is trying to exclude one institution or the other, one person or the other from the operation of the Bill——

Mr. SPEAKER: This is wholly irrelevant. For the time being, Mr. Suhrawardy's other amendments are not relevant. I have been waiting for five minutes to see if you are coming to the point at issue, but up till now, you have not. It is no use discussing general matters. Just come to the point.

Mr. ABU HOSSAIN SARKER: All right, Sir. By these three amendments, the Hon'ble Mr. Suhrawardy is trying to exclude banks of two kinds, namely, scheduled banks and the banks which Government will be able to notify subsequently, and he is trying to get power for the Government to exclude some banks from the operation of this Bill when it will be passed into an Act. At this stage, it is relevant to ask, for whom this Bill is being sponsored. Scheduled banks will have transactions with large banks and persons who will transact large money businesses and at the same time who will have, also some transactions with agriculturists. I do not know how many of them will fall within the ambit of this Act and how many of them will be excluded by the Government. Very recently, the Companies Act was amended and by section 277 (*f*), the definition has been made so wide that it will include banks and all loan offices within the category of banking companies. The definition says—"A banking company means a company which carries on as its principal business the accepting of deposits of money on current account or otherwise subject to withdrawal by cheque, draft or order." All the loan offices in Bengal do this business and all the banks and other concerns having money-lending business do come within the definition of banking company. Therefore the loan offices and the existing banks—any of them can be declared by Government to be notified. If subsequently other institutions, for example, the Co-operative Banks and other banks are excluded and if other clauses are passed by which persons, who will get awards from the Bengal Agricultural Debtors Act, are excluded, I submit, there will not be a single person in Bengal to whom this Act will apply. Most of the agriculturists will take advantage of the Bengal Agricultural Debtors' Act. They will get their awards. Then again, 25 per cent. of the agricultural population are now connected with the co-operative movement.

The banking institutions and money-lending businesses may also be excluded from the operation of this Bill. Thus it will be very difficult to find out any person or institution that will come within the jurisdiction of this Act. Then there are other amendments which will be moved by Mr. Suhrawardy——

The Hon'ble Mr. A. K. FAZLUL HUQ: How do you know that?

Mr. ABU HOSSAIN SARKER: I anticipate that. Then there are other amendments by which agriculturists, *raiyats* and under-*raiyats* will be considered to be controlled by this Act. Therefore the zemindars, the landholders, *jotedars*, *gathidars* and the bigger *raiyats* will also be excluded. So I submit that by exclusion, we will take away everything leaving only the piece of paper on which the Act will be printed. If the Bill as suggested by the Select Committee be passed, it may be thrashed out in the Assembly. If not, and if the amendments moved by Mr. Suhrawardy be passed, I submit it will not be worth the paper on which it will be printed. Nobody will be affected by this Bill. Either let the Bill be passed as recommended by the Select Committee or withdraw it. It will have no importance. It means giving by one hand and taking away by another. I cannot describe the operations of this Bill more aptly than by quoting a few lines in Bengali--

"এডেক করিয়া রাজা ছাড়ে নাগবান।
অর্দ্ধ পথে কাটে তাহা বীর হনুমান॥"

Again I say either pass the Bill as it is reported by the Select Committee or withdraw it, it will be mere hoodwinking the public. If an analysis is made, it will be seen that most of the people will be excluded and it will not be worthwhile to spend so much time and so much money over it.

Babu NAGENDRA NATH SEN: Sir, I oppose the amendments which have been moved by the Hon'ble Mr. Suhrawardy. I do not know whom my friend, Mr. Abu Hossain Sarkar has referred to as *Bir Hanuman*. Whoever he may be, we see there are going to be considerable changes with respect to the Bill as it has emerged out of the Select Committee. The main objection to the amendments of the Hon'ble Mr. Suhrawardy is that they are of an entirely discriminatory character. He has given a long description of the scheduled bank. The Hon'ble Minister has not referred to any circumstances which have induced him to put the date as 1st of January, 1939, as the date which will apply to the banks or the scheduled banks which will come into existence later on. Is the Reserve Bank of India so defective that it must be looked upon

with suspicion, that any bank scheduled to the Reserve Bank of India cannot be trusted, cannot be believed and that it would be a dishonest affair and that it would be a mushroom bank, as has been observed by Mr. Suhrawardy? What is the special significance which he has chosen to put to the words "1st of January, 1939" because banks scheduled to the Reserve Bank of India before that date are to be excluded from the operations of the present legislation and banks scheduled to the Reserve Bank of India from and after that date will not be excluded? Then comes the other question as regards the notified banks—whether this House or the Upper House, as we call it, will have any voice in regulating the procedure which will be adopted by the Executive Government in recognising some banks as notified banks and rejecting the claims of other banks from being placed in the category of notified banks.

What will be the criteria by which the notified banks will be distinguished from other banks? What is there to guarantee that these notified banks will be on lines with the scheduled banks which have been in existence before the 1st of January, 1939? Before giving this House some idea as to the nature or the form which will be acceptable and the qualifications which will be acceptable to Government to allow banks to be notified as reserve banks, how can the Hon'ble Minister ask this House to have his amendments passed and to exclude scheduled banks from the purview of the present Bill? It is with a heavy heart that I say that we are going to support the inclusion of the loan offices and other indigenous banks operating in Bengal. Much has been said about other indigenous banks and the loan offices by the Hon'ble Mr. Suhrawardy. I do not know whether he meant that to be a reflection upon all the Indian Banks or all the loan offices. There may be loan offices and loan offices and Indian Banks and Indian Banks. All do not come under the same category and it is difficult to distinguish in a general piece of legislation one from the other. Therefore the Congress Party to which I belong have accepted the position that if it is desired to include the banks and other loan offices in the operation of this piece of legislation, then all scheduled banks, all forms of banks should be included and should not be excluded from the operation of this Bill.

This is what has been suggested by my friend Mr. Sasanka Sekhar Sanyal and Babu Nishitha Nath Kundu. We do not know who will be the authority to give consent to a certain bank to be notified. The other danger is that by including the Indian Banks in the operation of the present Bill and by excluding the scheduled banks from its operation, all capital will flow from the indigenous banks to the scheduled banks which are all managed by the Europeans. Outside the European-managed banks there are only six scheduled banks which are managed by Indians. If the scheduled banks are excluded from the purview of the present legislation, the position will be this: the Indian

banks, indigenous banks and other credit societies will lose their command over credit, over supplies and over capital once for all. The capital will flow and accumulate under the ægis of the scheduled banks and will be controlled by the European merchants and their protegis. I therefore submit that this amendment ought not to be accepted. Bring all these banks under the same category. If you want to exclude the scheduled banks, exclude all other banks including loan offices and other credit societies. Why this discriminatory legislation, we do not know. There is a very great danger of which mention has been made by previous speakers. I, therefore, oppose the amendment.

Adjournment.

The House was then adjourned till 4-45 p.m. on Friday, the 19th May, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 19th May, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 210 members.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Muhammadan Marriage Registrar, Munshiganj.

215. Mr. TARINI CHARAN PRAMANIK: (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state whether it is a fact—

(*i*) that the Muhammadan Marriage Registrar of Munshiganj was transferred to Dacca to act in place of the Muhammadan Marriage Registrar for three months from January to March, 1937;

(*ii*) that all registration of *Kabins* at the District Sub-Registrar's office was closed during that period only; but

(*iii*) such documents were registered both before and after that period?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) Yes, for 2 months and 3 days only.

(*ii*) No; 85 *Kabins* were registered at the District Sub-Registrar's office during the period from 16th January, 1937, to 19th March, 1937.

(*iii*) Yes.

(*b*) Does not arise.

Unreplied questions.

Dr. NALINAKSHA SANYAL: Mr. Speaker, may I again draw your attention to the fact that a number of questions which were given notice of in the last week of January and in February are still remaining unreplied? I hope you will not force us to move amendments to the rules which have been circulated, so that we can see that the questions are duly answered.

Mr. SPEAKER: Dr. Sanyal, I am going into that very matter.

Mr. SHAHEDALI: May I draw your attention to unstarred question No. 211 which was held over day before yesterday?

Mr. SPEAKER: Whichever is left over, you may rest assured will not be passed over.

Honourable members will notice that Dr. Sanyal has given notice of a short-notice amendment, and I have also received another short-notice amendment from Government which is being typed and will be immediately placed before the members. In about 10 minutes, time you will have it. I have admitted both of them. Dr. Sanyal, would you like to move your amendment now or would you like to wait till you see the Government amendment?

Dr. NALINAKSHA SANYAL: I do not mind moving my amendment.

Mr. SPEAKER: You had better see the Government amendment first.

GOVERNMENT BILL

The Bengal Money-lenders Bill, 1939.

Mr. SPEAKER: We will now resume our discussion of the Bengal Money-lenders Bill.

Dr. NALINAKSHA SANYAL: This amendment of mine relates to a subsequent clause. So it can wait. But so far as the general discussion on the motion of the Hon'ble Mr. Suhrawardy relating to the exclusion of scheduled banks is concerned, I suppose that matter has got to be further thrashed out.

Mr. SPEAKER: Yes, I understand it.

Srijut NARENDRA NATH DAS GUPTA: If the Government amendment is to the motion that has been under discussion, before we resume our discussion, it would be better if we know what that amendment is.

Mr. SPEAKER: This is the proviso:—"provided that no bank shall be so declared to be a notified bank unless it complies with such conditions as the Provincial Government may, with the approval of the Provincial Legislature, prescribe by rules made under this Act". That is a further safety, and I have admitted that.

Dr. Sanyal, have you noticed what that amendment is?

Dr. NALINAKSHA SANYAL: My amendment contemplates the recommendation of the Reserve Bank of India, an expert body. Do we find anything of that kind there? I was informally informed that the Government was pleased to examine my amendment and that they felt that probably the House would like to have the rules examined here. So they wanted to have the amendment modified. I was also informed that they would have no objection to the Reserve Bank of India being consulted in this connection. If that is so, let it be suitably modified.

Mr. SPEAKER: The Government amendment is "provided that no bank shall be so declared to be a notified bank unless - - "

Dr. NALINAKSHA SANYAL: It must be permissive and not nugatory.

Mr. SPEAKER: "Unless it complies with such conditions as the Provincial Government may, with the approval of the Provincial Legislature, prescribe by rules made under this Act" and as may be recommended by the Reserve Bank of India in accordance with such rules. Would that meet with your approval?

Dr. NALINAKSHA SANYAL: No, Sir. My submission is this. I want Government to have this power of notification to be kept in an elastic manner. At the same time I desire that in order to facilitate such notification in the future whomsoever the Reserve Bank of India would recommend would have automatically the Government notification. (Cries of "No, no" from the Coalition Benches.) The recommendation of the Reserve Bank of India will be in accordance with the rules framed by the Government for the purpose. In that case you can have "in accordance with the rules framed by Government with the approval of the Legislature".

Mr. ABDULLA-AL MAHMOOD: But why are you bringing in another body?

Dr. NALINAKSHA SANYAL: I want the Reserve Bank of India brought in because it is an expert body.

Mr. SPEAKER: I think, Dr. Sanyal, your amendment is putting a further restriction on the notification powers. In other words, so far as the Government amendment is concerned it says that before a Bank is notified, it must comply with the rules framed by the Government with the approval of the Legislature. Your amendment says not only that but adds that it should be "recommended by the Reserve Bank of India." If you want I can allow that.

Dr. NALINAKSHA SANYAL: Instead of the word "may" I would like the word "shall". That is vital. If Government has got the power to notify, Government may refuse to notify on their own sweet will.

Mr. SPEAKER: I personally have not known of any such law.

Dr. NALINAKSHA SANYAL: "May" is more dangerous.

Mr. SPEAKER: It means exactly the same thing

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I want to move that a proviso be added to clause 2A, which I moved yesterday. The proviso runs thus:

> "That no bank shall be so declared to be a notified bank unless it complies with such conditions as the Provincial Government may, with the approval of the Provincial Legislature, prescribe by rules made under this Act and not inconsistent with the provisions of this Act."

Sir, I would like to point out that yesterday when I moved the amendment I made it clear to the House that Government was most reluctant to assume the powers by notification, but there was no alternative before us. On the one side we were exempting the scheduled banks, of course with this proviso that we propose to consider the matter further and if there were any banks that were not dealing considerately with the people to take steps. On the other side we were including all other kinds of banks within the purview of the Bill. Now, some of these banks may deserve our consideration. They may be industrial banks or commercial banks; they may give loans to agriculturists at a low rate of interest, and they may be fulfilling the very

necessary requirements of the agriculturists. Moreover, if we include all banks, we shall be hampering the growth of decent banks it is because we want to encourage the growth of decent banks and of stable banks, we see no other alternative than to retain powers for Government to notify such banks as may be considered to be decent banks.

Sir, yesterday I suggested the new clause with the greatest amount of reluctance because it gave powers which Government did not like to possess, and I am glad to find a way out of it. We propose framing rules which will not be inconsistent with the provisions of this Act; the rules will be placed before the Legislature and they will lay down the various criteria before the banks are duly notified. Therefore, the Legislature will have ample opportunities to comment upon the rules which must be complied with by a bank before it becomes a notified bank. We may also take such expert advice as we think may be necessary, but it is clear that Government in the last resort must be the final arbiter as to whether a bank should be notified or not. I may state also that when Government takes the power of notification, Government has the power of cancelling the notification as well. Therefore, any bank which Government chooses to notify—because it has been satisfied with regard to certain guarantees that have been given to it and because it has conformed to certain rules that have been passed under the Act—will always be under the scrutiny of Government, and, therefore, if any bank after having become notified contravenes those rules, Government will by notification cancel the privilege which has been given.

With these words, Sir, I move the proviso.

Dr. NALINAKSHA SANYAL: Sir, I submit that this amendment of mine relates to the subsequent clause 2A. The Hon'ble Minister has not yet moved clause 2A.

The Hon'ble Mr. H. S. SUHRAWARDY: I moved clause 2A yesterday, and this is only a proviso to that amendment.

Dr. NALINAKSHA SANYAL: Under the circumstances, although I must admit that there has been some improvement, I do not feel quite happy and I have no other alternative than to move this amendment and press for it unless I get a definite assurance that an expert body like the Reserve Bank of India will be consulted both in the framing of the rules as well as in obtaining recommendation regarding the inclusion or otherwise of a particular bank or banks in the notification. (MR. AHMED HOSSAIN: You want another Service Commission?) Yes, because that is much more dependable than this Legislature.

I submit, Sir, that I have to move these amendments that for the word "may" in line 1 of the proposed amendment No. 14 (new clause 2A) the word "shall" be substituted, and after the words "declare any bank" the following words be inserted, namely:—"as may be recommended by the Reserve Bank of India in accordance with rules framed by Government for the purpose"

Sir, the whole clause after my amendment would read as follows. Amendment No. 14 now reads as follows: "The Provincial Government may, by notification in the Official Gazette, declare any bank to be a notified bank for the purposes of this Act."

If my amendment is accepted, it will read as follows: "The Provincial Government shall, by notification in the Official Gazette, declare any bank as may be recommended by the Reserve Bank of India in accordance with rules framed by Government for the purpose to be a notified bank for the purposes of this Act."

Sir, my purpose has been to some extent met because, instead of having a wide discretion left to the Government, Government have agreed to frame certain rules and have those rules approved by the Legislature, and yet I feel that there is a necessity of consulting an expert body like the Reserve Bank of India in this connection, because we in the Legislature, in spite of the wisdom that we have, are not always technically conversant with matters relating to trade, commerce, business and credit. And as you are aware, Sir, even in a most democratic country like Great Britain, in matters financial, they have not ordinarily tried to interfere with the working of the Bank of England and with the City Banks in London—the big five banking combines in Great Britain, because they have always found that in financial matters a democratically-constituted Legislature cannot always express judgment on scientific lines. Consequently, although I do appreciate the change inserted by the Hon'ble Mr. Suhrawardy, I feel that unless there is an assurance coming forth from him that an expert body like the Reserve Bank of India will be consulted, there will be no substantial improvement in this connection.

There is yet another point, Sir. The Government amendment only puts the form in a negative way, that is to say, Government proposes that no bank shall be so notified unless certain conditions are fulfilled, so that the restriction on banks of different classes getting easy notifications remains, and probably remains with a greater degree of restriction than was provided for in the original clause 2A. On the contrary, my suggestion is that in order to facilitate proper banking business in this province we should make such notifications easy, and I submit, Sir, that if the Reserve Bank of India recommends any bank or banks for notification, Government shall automatically notify the same.

They should not wait to see if they are having their party support or some other weighty reasons in support as sometimes we find Government taking such matters into consideration; these weighty reasons may not either stand in the way or facilitate the notification of any particular bank or banks. I do not want, Sir, to cast any reflection on the Government as a whole or on any individual Minister of the Government, but it has been our unfortunate experience to have found that against public opinion certain commercial concerns have been given by the present Government a longer lease of life, although there has been an occasion to terminate the contract, in this province. There have also been occasions for reasons mysterious and unknown to us when Government have tried to give particular facilities to a particular section of the commercial community. (A VOICE: Which company?) I will not name what that particular concern is. It is quite possible that if we do not have an expert body or expert opinion to fall back upon, then certain supporters of Government who may form a bank may have an easy notification because they will have an easy conscience in giving their approval. On the contrary, if very strong banks are organised by members who would not, at that particular moment, be much in favour of the Government of the day, they would not easily obtain the sanction or the notification that may be required.

Therefore, Sir, I submit, let the notification be easy; let not Government keep any loop-hole for being charged with any particular favouritism in the matter of allowing notifications.

With these observations, Sir, I move my amendments. Both the amendments may be taken up together, *viz.*, that instead of "may" in line 1 of the proposed amendment No. 14, the word "shall" be substituted and also that "after the words 'declare any bank' the following words be inserted, namely:—

'as may be recommended by the Reserve Bank of India in accordance with rules framed by Government for the purpose'."

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir,——

Mr. SPEAKER: You spoke yesterday. I am sorry I cannot allow you to speak again to-day.

Mr. SYED HASAN ALI CHOWDHURY: On a point of order, Sir. Mr. Sarker spoke yesterday on clause 2, but not on clause 2A.

Mr. SPEAKER: That does not matter.

Mr. RASIK LAL BISWAS: On a point of order, Sir.

কাল এক রকমের amendment move করার পরে আজ গভর্ণমেণ্টের পক্ষ থেকে মিঃ সারওয়ার্দ্দি সাহেব separate amendment move কোরেছেন। এই জন্য amendment move করার দরুণ, যদি অন্য পরিস্থিতি কিছু এসে থাকে তাহলেও কি কাল যাঁরা বক্তৃতা দিয়েছে আজ তারা কিছুই বোলতে পারবে না?

Mr. SPEAKER: They should not.

Maulvi ABDUL BARI: Mr. Speaker, Sir, yesterday some members of the Opposition, while speaking on the provisions of this Bill, particularly with reference to the inclusion or exclusion of the scheduled banks, tilted a cheap gibe at the members of the Coalition Party (Maulvi ABU HOSSAIN SARKAR: Do you include me?) that in acceding to the exclusion——

Mr. SPEAKER: I hope, Mr. Abdul Bari, that you will not refer to what happened yesternight but confine yourself to the amendment before the House.

Maulvi ABDUL BARI: Sir, I was only referring to it in justification (Maulvi ABU HOSSAIN SARKER: You are only throwing mud!) of the exclusion of scheduled banks. That was the reason, Sir, why I was referring to it in justification as to why the scheduled banks have been excluded from the operation of this Bill. The mud that was thrown yesterday was absolutely unfounded and unjust and has got no bearing at all on the facts of the case that have been presented before the House. (Maulvi ABU HOSSAIN SARKER: Even the Devil can quote scriptures!)

Sir, the members who spoke against Government thought that by intending to exclude the scheduled banks from the scope of this Bill Government did not really want to do some good to the people of this country. They forgot at the same time that it is not simply by improving the lot of the agriculturists by agricultural loan, etc., that the country may advance along the path of progress. They forgot that the country lives not merely by agriculture alone but by industry as well. Sir, the members of the Coalition Party have got a unique responsibility to the country as a whole. For they are on the side of the Government, and it is the Government that carries on the administration and is responsible for the progress of the country. (Srijut NARENDRA NATH DAS GUPTA: Not so.) Sir, I remember a very remarkable passage in the lines of Shelly where he said that legislators and poets are born while critics are made. It is for us legislators who are legislating, because legislation comes from us, that we are to produce something which will go to benefit the whole country. And it is for

irresponsible critics to criticise the legislation that might be made by those who are on the side of Government and who are making legislation.

Now, Sir, of course, a party has got to be judged—a man has got to be judged—by its or his own actions, and it does not stand in need of any certificate from those who think otherwise—not because they think it to be so, but because they feel that it is their duty to criticise those who belong to the party of Government or are siding with the Ministry. I must point out, Sir, that in this legislation of excluding or not excluding the scheduled banks we have not been influenced at all by the members of the Cabinet. We have not been influenced at all by the European Group, but we have looked to the best interests of the country as a whole (cries of "Hear, hear" from the Congress benches) because, Sir, we realise that in looking to the interests of the country we must not look to the interest of the agriculturists alone but to the needs of the industrialists also, so that the industry and commerce of the country might grow up. (Mr. Santosh Kumar Basu: What about the other banks?)

So far as the other banks are concerned, I must say, Sir, that it is a matter of the saddest experience for all of us that at present agriculture does not pay in Bengal, because either by drought or by flood or by excessive rain the crops of the people are destroyed every year, and unless they are given some sort of living, it is impossible that the people of Bengal will be able to live a day longer.

It is for this reason that we must make some rules, make some provisions by which the industrial concerns of the country may rise and grow. Now, Sir, so far as the scheduled banks are concerned, do they, really speaking, affect the rural population of Bengal? Have the rural population of Bengal any concern with the scheduled banks? The scheduled banks mostly exist in the metropolis of Calcutta and they carry on their business with those firms, associations, banks and other foreign countries which deal in commerce, trade and other things. Their concern and their dealing is not in any way with individuals, particularly individuals living in the mufassil; the individuals for whom we plead to-day are those who have got their direct concern with local *mahajans*, local banks and the loan offices. The local banks and the loan offices also touch them very little, but it is those extorting *mahajans* who really depend for their living on money-lending absolutely, not so much as commercial business but as business just as agriculture is the business of our agriculturists. Therefore, I submit that by excluding scheduled banks we have done a thing which will really go to the credit and benefit of the country. Now, here I might point out another thing: The position has been well saved by the amendment of the Hon'ble Mr. Suhrawardy, because he said that only those banks which are scheduled banks by

the first of January, 1939, will be excluded and not others, and, therefore, any apprehension that other banks may as well be excluded or included in the scheduled banks does not arise and this apprehension should not worry us in the least. If the amendment of the Hon'ble Mr. Suhrawardy had not been there, there might have been some cause for unrest in our minds but by that shrewd amendment of shrewd Mr. Suhrawardy, he has saved the situation. Therefore, that does not arise at all.

Then, so far as the notified banks are concerned, just to-day an amendment has been moved by him which must be said to be salutary in the sense that he has taken this Assembly into his confidence, because the power ultimately rests with this Assembly and the rules that will be framed will be framed not by the Government alone but by the representatives of the people who will be in a position to say and judge that these are the things which have got to be satisfied before a bank is declared to have its name notified as a notified bank.

Maulvi ABU HOSSAIN SARKAR: What was your attitude in the Select Committee?

Maulvi ABDUL BARI: I may explain that this problem is so very difficult that I confess freely, and to Mr. Sarkar, I also say that he did not understand the thing any way better than myself. The question of banking is so very complicated that I am not ashamed to admit that I did not understand the matter quite well, but as a layman at that time I was very much in doubt whether the banks or the scheduled banks should be included or excluded. In this connection, I would refer my friend, Mr. Sarkar, to my note of dissent in the Select Committee where I have said that co-operative societies and banks should be excluded. I myself was in doubt whether it will be to the interest of the agriculturists and the middle class people as well. Here I would request my friends to take note of the fact that we are not here only to look after the interests of the agriculturists but of the middle classes as well, because I feel that the middle classes are really the backbone of the society. It is to them that we look for advancement in education, advancement in social legislation and advancement in trade and commerce. Practically it is the middle class people that have made Bengal what it is to-day. Therefore, you cannot ignore the claims and position of those middle class people for whom also a legislation is wanted because we know, and everyone of you know, that so far as the middle class people living in the mufassil area are concerned, everyone of them is involved in debt up to the shoulder. It is for you to bring them out of the slump of debt in which they are involved. Therefore, it is necessary

to look to them as well. Now if you look to the question of those middle class people, you are to see whether it affects them so far as the notified banks are concerned. Now, by these notified banks, it cannot be said that all the banks that exist and operate in the mufassil area to-day will be excluded from the operation of this Act. Now, when rules will be framed, and the framing of the rules lie entirely in our hands, we can make them so stringent that the worst banks, the banks which are really loan offices, the banks which are demanding exorbitant rates, the banks which are really oppressive to the people of mufassil when realising their dues from them, will not be excluded from the operation of this Act. Therefore, by the amendment that has been moved to-day, I think any apprehension that might arise in the mind of any one of the members should vanish altogether.

There is another question—whether by excluding all the banks of whatever description they may be, you will develop banking in the whole country, whether you realise it to be a necessity that banking should continue or that banking should be demolished altogether from Bengal. Now, it is an admitted fact that without banking no country on the face of the earth can prosper. Therefore, if you legislate in a manner which will have the effect of driving out banking from the face of this Province, really without serving the country, you will do a real disservice to the whole country—there is no doubt about it. Really those people who look to the interests of the Province of Bengal as a whole will not admit even for a moment that even by cottage industries or by agriculture you can lead the country to its proper goal. Therefore, banking is necessary if you really want that this country should proceed on proper lines in order to attain the goal which is the object of all of us. Therefore, Sir, I submit that the amendment of the Hon'ble Mr. Suhrawardy is the best that could be thought of and as such, not only on behalf of myself but, I believe, on behalf of this party, we can claim that this amendment ought to be accepted and I will also request our friends on the opposite side to see that this amendment is carried.

Now, when we shall come to the question of rate of interest, of course, then we shall see how many of you are going to support the report of the Select Committee. That is the crucial question in which we are interested, because we want to save the people—the rural people. We shall see that they are not charged at a very high rate. We shall also see that, at the time of realisation, it is realised in such a manner and in such instalments that it may not cause any hardship to the people at large. Therefore, so far as the present amendment is concerned, I believe, this is the best that can be conceived of and should be carried unanimously.

Dr. NALINAKSHA SANYAL: Sir, may I have your permission to hand over a revised draft of this amendment which has been drafted by our leader, Mr. Sarat Chandra Bose? The draft reads as follows:—

"The Provincial Government shall, by notification in the Official Gazette, declare any bank to be a notified bank for the purposes of this Act which may be recommended by the Reserve Bank of India or which complies with such conditions as the Provincial Government may, with the approval of the Provincial Legislature, prescribe by rules made under this Act."

I formally move this amendment.

Mr. SPEAKER: I take it that so far as clause 2A is concerned, there are really two sets of proposals—one set is as proposed by Dr. Sanyal and the other set as proposed by Mr. Suhrawardy. I want to take them up separately.

Sj. NARENDRA NATH DAS GUPTA: আমাদের আব্দুল বারি সাহেব গভর্ণমেন্টের পক্ষ থেকে দাঁড়িয়ে আমাদের সামনে কয়েকটি কথা উপস্থিত কোরেছেন। প্রথম কথা হোচ্ছে এই যে কোয়ালিশন পার্টি অথবা গভর্ণমেন্ট বাইরেকার কোনো চাপে পোড়ে—বর্ত্তমানের এই সংশোধনী প্রস্তাবটা এনেছেন, আমরা যেন এরূপ মনে না করি। আব্দুল বারি সাহেবের কথা শুনে আমাদের সেই প্রচলিত প্রবাদটাই মনে পোড়ছে যে "ঠাকুর ঘরে কে? কলা খাই না।" আচ্ছা, জিজ্ঞাসা করি, আব্দুল বারি সাহেবকে, যখন select committee বোসেছিলো এবং যে select committee তে including আব্দুল বারি সাহেব কোয়ালিশন পার্টিরই বেশী মেম্বর ছিলো তখন তাঁদের এই বুদ্ধি এবং বিবেচনা কোথায় ছিলো? এবং তাঁদের এই বুদ্ধি এবং বিবেচনায় ফিরে আসবার জন্যে গরীব করদাতাদের প্রদত্ত কর থেকে যে হাজার হাজার টাকা বার বার adjournment হওয়ার দরুণ যে উড়ে গেল, তার মর্ম্মকথাটা আব্দুল বারি সাহেব আমাদের জানাবেন কি? (A member from the Coalition party : আপনাদের পাওনাটা নেবেন না? A member from the Krishak Proja Group : নেওয়ার monopoly টা আপনাদের উপর ছেড়ে দিলেই ভালো হয়, না?) আরো কথা হচ্ছে এই যে, আব্দুল বারি সাহেব বোলেছেন, আমাদের এই opposition সম্বন্ধে, যে আমাদের কথা তাঁরা মোটেই নাকি গ্রাহ্য করেন না; এবং তাঁদের প্রতি এ দলের বিদ্রূপ বা সমালোচনার কোন মূল্যই তাদের কাছে নাই। তাঁর এ উক্তি যে কতদূর সত্য তার প্রত্যক্ষ প্রমাণ দেখা যাচ্ছে—কাল সমালোচনা করা মাত্রেই আজই সারওয়ার্দ্দি সাহেবের এই amendment এসে হাজির হোয়েছে। তারপর আব্দুল বারি সাহেব আমাদের বোলেছেন যে "আমরা Assembly মেম্বর হ'লেও banking প্রভৃতি ব্যাপারে যে সমস্ত গভীর সমস্যা তা আমরা বুঝতে পারি না" এবং তিনি যে বুঝতে পারেন না শুধু তাই নয় তিনি আবার বিদ্রূপ কোরে বোলেছেন যে রসিক বিশ্বাস মহাশয়ও বুঝতে পারেন না। অবশ্য আমি একথা জানি যে যাঁরা বুদ্ধিমান তাঁরা নিজের অজ্ঞতা স্বীকার করেন, কিন্তু, তেমনি একথাও জানি যে মানুষ অপরের অজ্ঞতার সমালোচনা কোরতে যেয়ে অনেক সময় নিজের অজ্ঞতাই আরো বেশী কোরে প্রকাশ কোরে ফেলে। তাঁরা যদি একথা স্বীকার কোরে নেন যে বাস্তবিকই এই জটিল সমস্যাটা, যাঁরা নাকি banking কারবারের সঙ্গে ঘনিষ্টভাবে সংশ্লিষ্ট নন তাঁরা ঠিকভাবে বোরতে পারবেন না, তাহলে

আমাদের ডাঃ নলিনাক্ষ সান্যাল বা আমাদের leader যে সংশোধনী প্রস্তাব দিয়েছেন,—যে রিজার্ভ ব্যাঙ্কের তরফ থেকে, যারা এ বিষয়ে বিশেষ অভিজ্ঞ তাদের কাছ থেকে বিষয়টা জেনে নিয়ে—তাঁদের অনুমোদনক্রমেই declare any bank to be a notified bank কার্য্যকরী করা উচিত। যখন শুধু Assembly মেম্বরদের পক্ষে বিষয়টা বুঝতে অনেক প্রকারের জটিলতা এসে পোড়বে—তখন Reserve Bank of India র পরিচালনায় যাতে কাজ হয় সে প্রস্তাবটা গ্রহণ কোরতে কেন তাঁরা ইতস্ততঃ কোরছেন? বিশেষতঃ যখন নিজেরা স্বীকার কোরেই নিচ্ছেন যে "বিষয়টা এত জটিল যে আমাদের পক্ষে ধারণা করাও অনেক ক্ষেত্রে সম্ভব নয়।" এবং সে পরিচয় তাঁরা দিয়েছেনও।

দ্বিতীয় কথা হচ্ছে ব্যাঙ্ক প্রভৃতিকে যদি আমরা এই আইনের অন্তর্ভুক্ত করি—তাহলে দেশের সমস্ত কারবার শুকিয়ে যাবে এবং নানা দিক দিয়ে দেশের লোকের আর্থিক দুরবস্থা এসে পোড়বে। বর্ত্তমান যুগে ব্যাঙ্ককে অবলম্বন কোরেই সমস্ত জাতির আর্থিক অবস্থা গোড়ে ওঠে এবং ব্যাঙ্কের স্বচ্ছলতার উপরই যখন জাতির স্বচ্ছলতারো নির্ভর, তখন সমস্ত ব্যাঙ্ককেই বাদ দেওয়া উচিত ছিলো। কিন্তু শুধু Scheduled Banks বাদ দিয়ে দেশের আর্থিক অবস্থাকে তাঁরা কি কোরে যে ভালভাবে দাঁড় করাবেন আমরা তা বুঝতে পারি না। আমরা জানি এবং গভর্ণমেন্টও স্বীকার করবেন যে Scheduled Bank বড় বড় কারবারের মধ্য দিয়ে শুধু লেনাদেনা চালায়। কিন্তু দেশের লক্ষ লক্ষ লোক, যাঁদের আর্থিক অবস্থার উপর সমস্ত দেশের সম্পদ নির্ভর করে তাঁরা যে সমস্ত ব্যাঙ্কের আশ্রয় নিয়ে কারবার করে এই amendment এ তাঁদের ধরা হয় নাই। কাজেই তাঁদের এই প্রকার amendment করার যা ভিত্তি সে পায়ের তলা থেকে পোড়ে গেছে। আমাদের দিক থেকে কথা এই যে যদি সুবিচার কোরতে হয়, তাহলে সকলের প্রতিই সুবিচার কোরতে হবে। যদি, বাস্তবিক পক্ষে স্বীকার কোরে নেওয়া যায় যে দেশের লোক নানাপ্রকার আর্থিক চাপে দেনা শোধ কোরতে পারছে না এবং নানা প্রকারে বিপন্ন হোয়ে আর্থিক দুর্গতির দিকে এগিয়ে যাচ্ছে, —এবং এমতাবস্থায় ব্যাঙ্ক আর মহাজন প্রভৃতির নিয়ন্ত্রণের দ্বারা তাদের ধ্বংসের পথ থেকে বাঁচাতে হবে, তাহলে Scheduled Bank গুলি বাদ দিয়ে, যাহাদের কাছে বহু লোক ঋণজালে আবদ্ধ সে সব লোকের প্রতি কোন সুবিচার করা হয় না; পরন্তু যে সব ব্যাঙ্কে অগণিত সামান্য আয়সম্বল লোকের অর্থ জমা আছে তাদের ধ্বংসের পথ সহজ করে দেওয়া হয় মাত্র; অতএব যদি Scheduled ব্যাঙ্ক বাদ দিতে হয় তবে অন্যান্য ব্যাঙ্ক বাদ দেওয়ার সুষ্ঠু ব্যবস্থা করাও একান্ত প্রয়োজন যাতে ঋণগ্রস্ত লোকেরও সুবিধা হয়, অথচ দেশের অর্থনৈতিক জীবনও বিপন্ন হয়ে পড়ে না। কাজেই আমি মনে করি যে, এই প্রস্তাবে সারওয়ার্দ্দি সাহেব আজ যে সংশোধন এনেছেন সেটা আরো ভালভাবে সংশোধিত হোয়ে দেশের প্রকৃত কল্যাণ সাধিত হয় তারি জন্যে আমাদের leader মহোদয়ের প্রস্তাবটা স্বীকার কোরে নেওয়া হোক।

Maulvi ABU HOSSAIN SARKAR: May I have a few minutes to speak on the new amendment moved by the Hon'ble Mr. Suhrawardy?

Mr. SPEAKER: Unless it is very necessary I am not willing to give you the time, but if you want to speak on behalf of your party, I will certainly allow you to do so. I propose to close this debate as soon as possible, because we have got a heavy programme and it is no use carrying on discussion on one point further. The issue

is absolutely clear—whether the Reserve Bank should be consulted or not. This is the only difference between the right and the left.

How long will you take to finish your speech?

Maulvi ABU HOSSAIN SARKAR: A few minutes only.

Mr. SPEAKER: It may mean ten minutes! I will give you only three or four minutes.

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir, last night I have made the position of my party absolutely clear. We are not in favour of excluding either the scheduled banks or the notified banks. To-night the Hon'ble Mr. Suhrawardy brings in an amendment saying that the banks will be notified according to some rules which will be approved by this Legislature. I submit this does not imporve matters. The original amendment moved by Mr. Suhrawardy gave Government absolute power to notify some banks. Here we make provision to approve of some rules which will be drafted by Government and after that this Legislature will have no hand. Government or the Hon'ble Ministers can bring in any bank they like or compel any bank to conform to the rules which we shall approve. It is argued by my friend Mr. Sasanka Sekhar Sanyal that if Government are allowed to notify banks, bribery and corruption which is rife in the country will creep in in the Ministry. I suppose and I assert it too that mere approving of some rules or framing of some rules by the Legislature will not stop corruption, if anybody would like to be corrupted. It is already in the air that the banks which are expected to be notified are on the move. It is also reported that they are procuring subscription to get their desired end. Therefore I submit that mere approving of rules will not stop corruption or bribery. So, as far as practicable we should try to force our point in this Legislature. By getting some rules approved Government may hoodwink the people or Government may get their desired end by the back-door. By approving the rules we shall only sanction corruption and nothing else.

Therefore, I submit, it is desirable that we must disapprove the policy of Government in excluding scheduled as well as notified banks. It is our explicit desire that all kinds of banks including the scheduled and notified banks must be brought within the jurisdiction of this legislation. It is a matter, Sir, which has to be considered very seriously. I understand that Mr. Abdul Bari took a very strong position against excluding the scheduled and notified banks previously. Now he has changed his position and the attitude which he has taken

justly amplifies that the Hon'ble Mr. Suhrawardy is not only a Minister here but also has become the keeper of the conscience of the members of the Coalition Party.

Mr. SPEAKER: Order, order, Mr. Sarkar, I do not like you to have your gibes at any one. Please speak on your amendment. I am sorry to say I have been noticing that in almost every speech you have been speaking about matters which are not strictly relevant. I have allowed you to speak on behalf of your group only because you wanted to speak on the amendment. Surely these things you could have spoken before. So, I hope you will not complicate matters but confine yourself to the amendment. The other things you can leave to those who follow.

Maulvi ABU HOSSAIN SARKAR: I am talking on the amendment, Sir.

The Hon'ble Mr. A. K. FAZLUL HUQ: If you will permit me, Sir, I would like to make a statement.

Maulvi ABU HOSSAIN SARKAR: Not before I finish.

The Hon'ble Mr. A. K. FAZLUL HUQ: Before he finishes with your leave I would like to make a statement.

Mr. SPEAKER: As a matter of fact Mr. Sarkar can speak later and he will be in a position to know what he is speaking about.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, it has been our earnest desire to conduct the discussions on this Bill in a spirit of compromise. But I have been noticing since yesterday that attacks are being made on the Coalition Party and on Ministers most unnecessarily. I may warn the House that if these attacks are made we know how to repel these attacks and make counter-attacks. I, therefore, warn Mr. Sarkar not to induge in these long talks but to confine himself to the point under discussion.

Maulvi ABU HOSSAIN SARKAR: Sir, I should also like to make my position absolutely clear, that my party or myself do not fear any threat or do not care for any attitude which the Hon'ble Mr. Fazlul Huq may take.

Now, Sir, coming to my subject I submit that some of the banks are already on the move to get the necessary qualification for being declared as notified banks. Some of the banks are already amalgamating with other banks in order to increase their capital or their assets

so that they may approach the Cabinet according to the rules which we are likely to be framed in order to be notified. If in this way one bank or the other is notified, there will be no end to it and I think most of the banks will get the privileges which are being proposed by the Hon'ble Mr. Suhrawardy. Therefore, Sir, I submit before we allow either the original amendment or the amendment, which the Hon'ble Mr. Suhrawardy has proposed now to be carried, we have to consider the thing very seriously. I want to bring it to the notice of the House that whatever he says or whatever Mr. Bari says is only to hoodwink the House in order to get the desired end. Therefore I submit that the original amendment and the subsequent amendment of the Hon'ble Mr. Suhrawardy must be rejected by the House in order to make the country prosperous.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, I have heard with attention the speech delivered by my friend Maulvi Abdul Bari. It seems to me that he is now anxious for the industrial development of the country. I do not know, Sir, when this good sense has dawned on him. He says, Sir, that for the economic salvation of the country, not only agricultural improvement is necessary but also industrial development is necessary. That, Sir, is a proposition with which I agree. But he has not told us how, by the introduction of this piece of legislation which I consider to be a useful piece of legislation, the industries of the country will suffer. He tells us that the scheduled banks have nothing to do with the rural population. He is probably ignorant of the fact that in the mufassal districts there are many scheduled banks and those scheduled banks in the mufassal districts also carry on ordinary money-lending business, there is absolutely no reason why a person who borrows from a scheduled bank should not get relief in the shape of scaling down his debt while a person who borrows from a private money-lender gets such a relief. I have got some experience of scheduled banks, and I know from my own experience in my district that in the rural areas there are a large number of debtors who are indebted not only to the private money-lenders, banks and loan companies but also to the scheduled banks.

The Hon'ble Mr. H. S. SUHRAWARDY: Get your party to support you.

Dr. NALINAKSHA SANYAL: Yes, his party does stand behind him as every party does.

Mr. DHIRENDRA NATH DATTA: There are many private debtors who are groaning and crying for relief. It is necessary that their debts should be scaled down. The position of the agriculturist is that

his debt has been scaled down by the introduction of the Agriculturist Debtors Act. There is no reason why the debts of the ordinary petty trader and the middle-class people should not be scaled down. We on this side of the House are committed to the election pledge. I shall place before you what the election pledge of the Congress is. "The question of indebtedness requires urgent consideration and the formulation of a scheme including the declaration of a moratorium and enquiry into the scaling down of debts and the provision of cheap credit facilities by the State. The relief should extend to the agricultural tenants, peasant proprietors, small landholders and petty traders." So what is necessary is this. The Bill has for its objects two things. It has got provision to give relief to indebtedness in the shape of scaling down of debts and this Bill will also control the future money-lending. So far as the scaling down of debts is concerned, I have already told you there is absolutely no reason why borrowers from a private money-lender should get relief whereas a borrower from a scheduled bank or a notified bank should not get relief.

I do not know what those notified banks will be. I do not find any reason for making a distinction between a scheduled bank and a notified bank. It is said in the amendment moved by the Hon'ble Mr. Suhrawardy that the scheduled banks which were in existence on the 1st of January, 1939, will not come within the purview of this Bill, but scheduled banks which have come into existence subsequently, even though they have been started for the purpose of industrial development of the country, have not been excluded. There is no reason why this distinction should be made. The reason is obvious. I have some knowledge about the formation of scheduled banks—they can be formed by the amalgamation of smaller banks or loan companies as has been the case with certain scheduled banks. As a matter of fact, those scheduled banks may also be amalgamated with other loan companies so that the capital money, the share money and the reserve fund of those loan companies will be merged in order to make them into those scheduled banks. (A VOICE FROM THE COALITION GROUP: That is why we do not want to exclude them.) But that is why there is absolutely no reason for not giving relief to a large number of ordinary debtors who have taken loans from the scheduled banks. I am fully aware that if you desire industrial development of the country, and for that purpose you can exclude one class of loan, viz., the commercial loan. But there is no reason why a class of ordinary creditors should be excluded. If commercial loan is excluded, I think the industrial development of the country will not suffer.

Then, Sir, as in the case of an ordinary individual, if the payment of a loan is stopped, the credit is lost. So in the case of a bank also the credit is lost when payment is stopped. What is to be done in that case? We shall have to create a situation so that payment may begin,

and that can be done if the debts can be scaled down to be paid in easy instalments. If payment begins, credit will flow and not suffer. I fail to understand, however, and my friend Mr. Sasanka Sekhar Sanyal has told the House that it is impossible to believe, that for the so-called industrial development of the country, the scheduled banks have been excluded from the operation of this Bill. But that is not the real reason, Sir; the real reason is clear and obvious. There has been a pressure upon the Government from persons in authority, from the vested interests in the country. When there is an encroachment upon the vested interests and when pressure comes from them and also from those upon whose support the Ministry exists—I mean the European Group—Government cannot resist that pressure. That is the reason why the scheduled banks have been excluded. But let Government say in plain words that they could not but submit to the pressure of the European Group and that is why the scheduled banks have been excluded. If they had said so plainly, we could have understood that.

Sir, when the Bill came out of the Select Committee, there was no proposal for the exclusion of scheduled banks, notified banks, co-operative credit societies, etc., and we entertained hopes that good sense did at last dawn upon the Government. But what do we find now? All these banks and credit societies have been excluded. Sir, I must give a note of warning to Government if they mean to exclude co-operative credit societies. The Co-operative Department is an engine of oppression upon the rural population, and if these societies are excluded no relief would be given to the poor agriculturists in the shape of scaling down of debts. I submit, Sir, that all the credit institutions, banks, loan companies, co-operative societies, insurance companies should be included within the purview of this Bill and only commercial loans should be excluded, if this is considered necessary for the industrial development of the country.

Babu KSHETRA NATH SINGHA: Sir, it is my bounden duty to speak something for the information of the House. I was a member of the Select Committee and from the very beginning——.

Mr. SPEAKER: Order, order. I hope you are not disclosing the secrets of the Select Committee.

Babu KSHETRA NATH SINGHA: No, Sir. It was my intention at least to make a compromise with the Europeans and with Mr. Khaitan also. Sir, in my note of dissent it will be seen that I was in favour of excluding all commercial transactions in order to help the industrialisation of the country, but unfortunately we could not carry on and we were given to understand by the Hon'ble Minister in charge of the Bill, although the Bill appears to have changed hands and the Hon'ble

Nawab Sahib is not there. (A VOICE FROM THE KRISHAK PROJA PARTY: He is there.) Sir, in the Select Committee incidentally the Nawab Sahib asked whether our Scheduled Castes party would assist him in getting the Bill passed. I gave him my assurance that my party was quite willing to support every clause of the Bill as it then stood. But now at the eleventh hour Government is taking the credit for making a compromise, but I submit, Sir, that that credit should have gone to the Select Committee. It is most unfortunate that at the last moment we are being blamed in the country and we are being blamed here also that we do not want what is necessary for the good of the country. Why has this Bill been modified? I should like to remind Mr. Khaitan, though he is not present here to-day, that this Bill has not turned out to be a ferocious tiger, it has not even turned out to be a tamer horse but it has turned out to be a lamb. If that is the attitude of the Government, Government is doing something quite contrary to their original intention. It was at the instance of the Coalition Party that the Bill was mooted and dealt with in the Select Committee. But the Bill, as it emerged from the Select Committee, is going to be substantially modified by Government. In view of that, Sir, I ask my Coalition Party friends not to refer any measure to any Select Committee in future but to arrange for a Coalition Party Committee and deal with the measure there and then bring it here for sanction. We are not going to be blamed by the people for changing the provisions of the Bill now and then and even at the last moment. If Government wants to do anything let them do it in the Coalition Party meeting and after that let the matter come to the House. There will then be no harassing and expenditure of public money in the shape of allowances of the members of the Select Committee, and no blame to us for doing so. Sir, I find that Dr. Sanyal is not here. (Dr. NALINAKSHA SANYAL: No, no, I am present here.) (Laughter.) He was very much against this Bill, but now they have got more than what they wanted. They wanted the exclusion of the scheduled banks only, and I repeat that not only they have got what they wanted but even more.

Sir, I have made my position clear, and now I would most humbly inform the Nawab Sahib that we are not going to support the Bill *in toto*.

Mr. P. BANERJI: Mr. Speaker, Sir, I rise to support the motion moved by Dr. Sanyal.

In the first place, Sir, I would point out that Mr. Abdul Bari has shown colossal ignorance about the working of the scheduled banks in Bengal, and so also the Hon'ble Mr. Suhrawardy.

Sir, there is no denying the fact that this subsequent amendment of the Hon'ble Mr. Suhrawardy has been tabled under the influence of the

European Group. We notice, Sir, in amendments Nos. 46 to 79, that the European Group insisted on the exclusion of the banks as defined in section 277F of the Indian Companies Act and would not be satisfied with anything less than that. Subsequently, as we all know, time was taken to effect a compromise, with the result that, when the European Group had their way, they abandoned their amendments, and they are now satisfied because they have gained their point and they know how to butter their own bread.

Sir, in order to show to the people their *bona fides*, the Hon'ble Mr. Suhrawardy, while speaking on behalf of Government, said yesterday that he was not playing to the gallery, but, Sir, the cat is now out of the bag. We do say, Sir, that he has played to the gallery. The Hon'ble Minister has tried to justify the exclusion of the scheduled banks from the operation of this Bill, but he has not substantiated his points by advancing any reasons whatsoever. He said that if the scheduled banks are not excluded then there would be difficulty, and this wisdom has dawned upon the Hon'ble Mr. Suhrawardy at this late stage! But why not exclude the other banks along with the scheduled banks? What are the scheduled banks? Perhaps it may not be known to many members of the House. I shall explain. Any bank having a capital, either paid up or with the Reserve Bank of India, of Rs. 5 lakhs is a bank scheduled to the Reserve Bank of India. That being the case, Sir, it is to be seen how these banks are working. As Mr. Bari and the Hon'ble Mr. Suhrawardy have said, these banks are not working well; but they do not know that each of these scheduled banks has got at least 25 branches all over this province and also in the sister provinces. In many cases, these banks charge interest at the rate of one per cent. over and above the rate charged by other banks. I say, Sir, that some scheduled banks charge nine per cent. interest, but by this Bill we want to fix the rate at eight per cent. Supposing, for argument's sake, that these banks are excluded, what will happen? These scheduled banks will go on charging interest at a rate of more than eight per cent. The Hon'ble Mr. Suhrawardy is nodding his head, but he knows nothing about the working of banks in Bengal. (Laughter.) That being the case, Sir, why should the scheduled banks be excluded? My friend Mr. Bari wanted to justify the exclusion on the ground of doing good to the agriculturists, but I say, Sir, that in Bengal we have to look to the interests both of the agriculturists as well as of the industrialists. By their impudence our legislators have destroyed the rural credit in the country-side to a great extent, and by this legislation it will be completely destroyed.

At the same time, it may be said, Sir, that the object of this legislation is to scale down the rate of interest. Now, Sir, the rate of interest has been fixed by this Bill at eight per cent., but the scheduled banks are excluded from the operation of this Bill, and they will go on

charging at the high rate at which they are charging now, namely, at least at the rate of nine per cent. The other banks are not only helping the industry of the province, but they are also advancing money in the country-side. It has been pointed out to the Hon'ble Mr. Suhrawardy by Mr. Datta that at the time when the Reserve Bank of India was ushered in, there were only 3 native banks in Bengal, and subsequently by amalgamation and in other ways, e.g., by increase of capital to Rs. 5 lakhs, they became scheduled to the Reserve Bank of India. Now, these banks have in many cases, like the loan offices, advanced money against landed properties in the country-side, and if they are excluded to-day, the position remains the same. What about the loan offices which have taken protection under section 153?

Then I come to the question of notification. That system of notification naturally gave rise to an apprehension—I may say without fear of contradiction—amongst the members of the Coalition Party, and they, therefore, compelled the Ministry overnight to bring in this amendment, because it shows beyond doubt that the members of the Coalition Party were in doubt about the activities of the Ministry! That being the case, Sir, I see no reason why the scheduled banks should be left out, while the other banks should be brought within the scope of this Bill. The Ministry profess in season and out of season that they feel for the country and they are always anxious to give proper facilities for the growth of trade and commerce in the province. If that is so, why should not the other banks be excluded as well and be placed on the same footing as the scheduled banks? I submit, Sir, that there should not be any differentiation whatsoever on this point.

By way of compromise, Sir, our leader has brought forward a motion through Dr. Sanyal, and I think that that motion is very reasonable. If Government are really anxious to do good to the country, or, as pointed out by the Hon'ble the Chief Minister, are ever agreeable to a compromise, they will accept this motion. Otherwise, it will prove that they are not sincere and do not intend to do what they profess.

With these few words, Sir, I support the motion of Dr. Sanyal.

Mr. SPEAKER: Mr Suhrawardy, do you want to speak on the motion?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir.

Mr. SPEAKER: Then please try to finish it in a few minutes.

The Hon'ble Mr. H. S. SUHRAWARDY: All right, Sir.

In the first place, I should like to say that it is very difficult to keep a debate on an intellectual and economic plane when a person like Maulvi Abu Hossain Sarkar——

Mr. SPEAKER: I would request you not to have any more of it.

The Hon'ble Mr. H. S. SUHRAWARDY: All right, Sir. I accept your suggestion. I would have made certain remarks with regard to the remarks made by him as well as by Dr. Sanyal, but I do hope, at the same time, that you will be good enough to see in future that the persons who speak do not exceed the bounds of propriety while speaking on the floor of this House. I am glad to find that the proposals of the Government have found a large measure of support even from the Opposition Benches.

The amendment that has been moved by Dr. Sanyal and re-amended by him after consultation with the Leader of his Group will imply that his party is in favour of the exclusion of scheduled banks (cries of "no", "no", and "question" from the Opposition Benches) from the operation of this Bill. Whatever they may say, whatever may be their tall talks and loud windy suggestions, they feel in their heart of hearts that this is a suggestion which is a reasonable one and they also know it perfectly well. I do not expect them to fall in line with Government so far as the apparent position is concerned, but at the same time one can quite understand the meaning of those amendments which imply that so far as the scheduled banks are concerned, they agree to the advisability of their exclusion.

I want to say a few words with regard to what Mr. Dhirendra Nath Datta said. He spoke about some scheduled banks having lent money to agriculturists. I made it quite clear when I spoke on the amendment that we were further examining the subject and if scheduled banks are found to be opressive, if they do not carry on their business according to sound banking principles and charge interest as they ought to by virture of the large capital which they invest, in that case Government would be quite prepared to revise their decision in the matter. We are not going to allow banks of any kind whatsoever to take advantage of the people of the province and to oppress them. Now, Sir, he wished to know why scheduled banks on or after the 1st January, 1939, only have been excluded. He has given the answer himself. He stated that the exclusion of the scheduled banks may encourage other banks to join together and form themselves into scheduled banks, banks which are really loan offices in essence and which are oppressing the people will form themselves into scheduled banks for the purpose of claiming exemption. For that reason, we have exempted only such scheduled banks as were in existence on the

1st of January, 1939, so that the mere formation, the mere amalgamation and the creation of themselves into scheduled banks would not automatically exclude them from the provisions of this Bill. They will first have to satisfy Government and conform to the rules which Government propose placing before the House regarding their *bona fides* before they can claim exemption.

Now, Sir, another point which Mr. Dhirendra Nath Datta raised was that this would lead the present scheduled banks to purchase the loans of other companies like loan companies which have lent out money at exorbitant rates of interest, and as they themselves are exempted from the provisions of the Bill, they will thereafter collect money from the agriculturists or from their debtors at high rates of interest. Mr. Dhirendra Nath Dutta is of course at the moment very busily engaged in talking to another gentleman, but nevertheless I would like to draw his attention to an amendment which I propose moving and which has been printed at page 13 of the added list and which is No. 37 of the amendments, the purpose of which is that loans which have not been created by the scheduled banks themselves or loans which have been assigned by one party to another will not be affected by any exclusive provisions that we may at the present moment frame. For instance, if the scheduled banks did purchase loans of other banks and of loan companies, then these other loans would not get that exemption which loans of scheduled banks themselves will get. This will, I hope, satisfy those persons who think that by letting out scheduled banks, we will let in a number of oppressive loans.

Now, Sir, almost every member of the other side has spoken with regard to vested interests and the vested interests of the Europeans. Of course we are used to such talk on their part: that forms a part of their political propaganda and of their political armoury; but in nearly all the cases in which their arguments have indulged in such form of political propaganda, they have no foundation for their statements and they have been, as a matter of fact, based on unreality and ignorance. I think in this particular case also the same remarks apply. Out of 56 scheduled banks—there is a list of scheduled banks—29 have offices in Bengal. Now, out of these 29 scheduled banks 13 are exchange banks and everybody knows here that so far as exchange banks are concerned, their operations are of such a nature that they hardly touch the people of the soil. All the 16 other banks are Indian banks. But of course in these Indian banks I am including the Imperial Bank and the Allahabad Bank. If you exclude the Imperial Bank and the Allahabad Bank there are 14 purely Indian banks. But I see no reason why they should be excluded. But if they are excluded, then of the 14 purely Indian banks there are 73 branches in Bengal, whereas of the exchange banks there are only 14 branches. Now, we can see quite clearly that the provision for the exclusion of scheduled

banks affects Indian banks most and therefore there is absolutely no justification for those political flings which my friends on the opposite benches are throwing at us, for instance, that it has been brought about by the influence of the European vested interests——

Dr. MALINAKSHA SANYAL: What was the amount involved?

The Hon'ble Mr. H. S. SUHRAWARDY: If you talk about the amount involved, you will also have to consider the amount which touches our people and so far as that is concerned, it is clear that it is the Indian banks that touch our people and not the European exchange banks and it is the Indian banks that will be protected by the exclusion——

Mr. SARAT CHANDRA BOSE: Whom do they touch?

The Hon'ble Mr. H. S. SUHRAWARDY: The European Exchange Banks touch mostly the commercial interests, but not the children of the soil whom we are out to protect—not the poorer people and the agriculturists—everybody knows that. Obviously I do not expect lawyers of the standing of Mr. Sarat Chandra Bose to know it! He is too much engrossed in his own academic learning to be aware of this economic function of these banks——

Mr. SARAT CHANDRA BOSE: Does Mr. Suhrawardy suggest that pettifogging lawyers only know it?

The Hon'ble Mr. H. S. SUHRAWARDY: Whether Mr. Bose calls himself a pettifogging lawyer or not, I do not know—I would place him in a higher plane, but if he pleads guilty to that himself, let him wear the cap that fits him.

I would like to make it clear that the rules that we propose making under the new provision will be framed by Government and will be placed before the House and they will also include rules which will provide for the cancellation of the notification. I am not prepared to accept the amendment of Dr. Sanyal regarding consultation with the Reserve Bank on every occasion, but I am prepared to consult the Reserve Bank at the time when the rules will be framed, so that we may have the benefit of their expert advice. I hope, this will appeal to all sections of the House.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: For the last two days this House was full of imagination. A lot of facts which were concealed in the breast of this man (pointing to himself) never found any outlet, and some of my friends in the Government have

been telling things which may not be very convincing to you all. (Hear, hear.) The real point is this: you know that so far as this Legislature is concerned, it has got no power to control banking which is a Central subject. (Laughter.)

Really speaking, only on one point we can think of making some legislation regarding the banks and that is about money-lending affairs of theirs. When we considered the Bill in the Select Committee at its first stage we were not sure, really speaking, as to whether we should think of doing anything against the bank. But when the matter was discussed for some time, we thought that we have got some power of legislating on the banks especially in the matter of money-lending. When the majority of the Select Committee said that the banks should not get any protection from us, we had no help in the matter. We all know what the tyranny of the majority is. (Hear, hear.) You feel it now too much: I felt it for four months in the Select Committee and there I tried my level best to bring the majority with me and to see that the Bill be of such a character that it cannot be objected to by any part of the House. That was the object I had in view. (A VOICE: You had no casting vote.) Sometimes your party was so divided that you could not give me any support; others worked exactly in the same way——

Dr. NALINAKSHA SANYAL: Is it fair, Sir, to disclose the Select Committee affairs?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I am sorry, I have made a mistake.

Being a businessman I have got a sound knowledge of banking. I thought within myself that if scheduled banks which primarily deal with international trade were actually not protected from the vagaries of the Legislature (hear, hear) a positive wrong would be done and the entire commerce and trade would collapse.

Mr. SARAT CHANDRA BOSE: When did you discover that?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I know from the very beginning. Your friends did not help me. What can I do? Let me further explain the matter to you. I was in business for over 40 years. I know how things go on. As regards scheduled banks only, a few have been started by some Indians; others are all European banks which deal with international affairs. If you want to have any connection with the outside world and if you want to have your commerce actually carried on, you must have scheduled banks and they must be beyond the control of the Legislature. They will be controlled by the Reserve Bank, as at present. That control is more than

sufficient. As a businessman I said that if the scheduled banks could not be excluded from the operation of this Bill, the Bill must be withdrawn (hear, hear).

Mr. TULSI CHANDRA GOSWAMI: When did you decide that?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: You have been telling me that these European friends of mine influenced me to decide in that way. It is nothing like that. Don't think they have brought in a subject like this in this Bill. It is the Member-in-charge who was prepared to withdraw this Bill if the Reserve Bank and the scheduled banks were not excluded from the operation of this Bill.

Mr. SARAT CHANDRA BOSE: Who is the Member-in-charge?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: You still ask me! All right, I shall explain. You need not laugh much, because it is no good. If you were of my age and had been suffering equally, you would not have said in the way as you now did. Yesterday and the day before I had 108 pulse; to-day it is 94. You can easily understand that a man with such a quick pulse cannot be expected to do his work ably and if for this a junior friend of mine has been placed in charge, you must not say that he has done anything wrong.

Now I will explain why you must take these facts coolly and dispassionately. You must not ascribe motives to any of us. You ought to know that the department that is going to work this Act is the Judicial Department which is manned by a businessman at the top, the seniormost man among the Judges of District Courts and another man under him of the position of an Assistant Sessions Judge. If any Barrister practising in a High Court or a District Court or any pleader practising law in lower courts entertains any such suspicion in his mind that our judicial officers can be subjected to bribery and corruption when they dispose of cases entrusted to them, I would ask him to go away from here as well as the gentleman against whom he can entertain an opinion like that. I appeal to you to consider this that you are actually helping the courts everywhere and that you are trying to keep up the dignity of the courts and the officers of the Judicial Department.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, may I be allowed to put a question to the Hon'ble Minister? I want to know what is the basis of distinction made with regard to banks scheduled before the 1st of January, 1939, and the banks which have or may become scheduled after the 1st January, 1939?

The Hon'ble Mr. H. S. SUHRAWARDY: I have already explained that.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, this being the position, I would ask the House to consider whether the Judicial Department of to-day can be accused of any such bribery or corruption. If it cannot be, then why is there a suspicion lurking in your minds that when the working of this Act will be in the hands of these people, they will take bribes.

Mr. SANTOSH KUMAR BASU: Who said so?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I don't think any friend of mine can entertain an idea that the department, with an Hon'ble Minister presiding over it, is subject to any corruption. I don't believe it. If hon'ble members can entertain any idea like that, they ought to know who the Minister is. I can assure my friends that this idea of bribery and corruption must not find any place in the Judicial Department.

Mr. TULSI CHANDRA GOSWAMI: Not at all. We will take it for granted.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: When we saw the international trade would disappear from India, we thought that the international trade must not be touched by us. And that was why we excluded the scheduled banks.

Then as regards notified banks, in the course of the discussion, a lot of facts have been placed before us. When we were thinking of scheduled banks, we were thinking in the main of scheduled banks which dealt in international trade.

Mr. TULSI CHANDRA GOSWAMI: What is international trade?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I am sorry—I do not believe a question like that can come from the Deputy Leader of the Congress Party.

Mr. TULSI CHANDRA GOSWAMI: I am not quite sure you understand what it is.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: He ought to know it and I say even a child knows it.

Mr. TULSI CHANDRA GOSWAMI: A child does not know it.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: As regards notified banks, the question is this. We have now practically let in a lot of banks which are not of an international character and some banks of the province, specially of the districts. My friend Mr. Datta has very pointedly placed before this House that some of these banks have been misbehaving and for that they should not be excluded from the operation of this Bill. That is a serious allegation against first class banks. My friend Mr. Suhrawardy has told you that we are not going to sit idle over it. We shall always be on the alert. If it is found that they are not actually the scheduled banks of the type which people understand a scheduled bank to be, and if, like common money-lenders, they advance money to smaller people at a very high rate of interest and extort money from the poor people, it can be so arranged that those banks are eliminated from the list. But how to eliminate them is the point at issue. If the Legislature to-day by a majority decide that all scheduled banks will be excluded from the operation of this Bill, we will have to come back again to the Legislature with a proposal that all those banks, against whom complaint has been made and found to be true, by name be eliminated.

Mr. SURENDRA NATH BISWAS: You are going to exclude scheduled banks referred to by Mr. Datta.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I say that he has simply made certain allegations and if Government find that those allegations have real substance behind them and that the country is being oppressed by those banks, it will be the duty of the Government to come to the rescue of the people and to suppress those banks. I know that this speech of a determined man of the province will be read by everybody and I am sure that those who are carrying on these banks will think 200 times before they do oppress the country. They will modify their attitude and will try to see harmony and peace established in the country. They know that democracy is prevailing in the country. If we do anything wrong, that will come to their notice.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I was on my legs before the prayer interval. I have explained to the House why the scheduled banks are being excluded by us. The attitude of the Minister-in-charge was that if these scheduled banks were not excluded from the operation of this Bill and if we interfered with the rates of interest which they ought to charge in

dealing with the advances they made to the customers, the entire trade and commerce would collapse. (A VOICE FROM THE KRISHAK PRAJA PARTY: Including tea gardens?) Yes, including tea gardens. You cannot export tea from India unless you go to one of the scheduled banks and place your bill of lading with them, receive 80 per cent. of the value of that tea and with that 80 per cent. carry on the business here. If you say that you refer to tea business I would tell you that even tea business would collapse if scheduled banks were not excluded. (Babu NAGENDRA NATH SEN: Is that the case with jute too?) Yes; does he know that jute is purchased by other countries in exactly the same way? So, if you want to sell off your surplus goods to foreign countries, you must go through scheduled banks. That being so, Sir, the proposition of excluding the scheduled banks from the scope of the Bill could not have come from our European friends. It is my own self-interest, and the self-interest of the whole community, that have impelled me to suggest to Government that if the scheduled banks are not excluded from the operation of the Bill, then a great disservice will be done to the country as a whole. (Babu KSHETRA NATH SINGHA: I suggest that it is an after-thought of the Hon'ble Minister.) Well, it may be an after-thought or it may be the same thought. Nevertheless the idea was not at all put out of court at any stage.

So far as the proceedings of the Select Committee are concerned, I will not grudge if I am blamed to a certain extent; but I must remind my honourable friends here that in the Select Committee everything is done by a majority of votes. (Cries of "Oh, oh" from Congress members.) And that there are no rules and regulations so far as the bringing in of short-notice amendments is concerned. The usual practice as regards the tabling of amendments in this House is that they are first of all discussed in the Cabinet and then, if approved, they are brought forward. Those amendments must be accepted by Mr. Speaker and when he says that they are in order and arise in connection with the main motion, then only a subject can be discussed here. But that is not the procedure followed in the Select Committee. (Cries of "No, no" from Congress members.) In the Select Committee every member is free, he can say anything he likes, he can move any amendment he likes without any notice whatever and even put the Government of the day into difficulty. (Mr. ATUL CHANDRA KUMAR: Your Government started this!) No, no, it was a Select Committee consisting of the best brains. (Mr. SANTOSH KUMAR BASU: Very, very best!) The Select Committee thought in one way, and I thought in a different way. So you cannot blame me for anything done by them. (Cries of "No, no" from Congress members.) I have had only one vote in the Select Committee. (Mr. SANTOSH KUMAR BASU: Only one?) (Babu NAGENDRA NATH

SEN: But you have a casting vote!) No, no, I have had only one vote. However this being the case, I have nothing further to add on this point.

Now, Sir, I shall revert to the request of the noble gentleman opposite—I mean Mr. Sarat Chandra Bose—that I should deal with international finance in the course of my speech. My friend Mr. Bose is the Leader of the Opposition and of a great party, and I should like very much to accede to his request. (Laughter.) May I tell him that since I have not got sufficient time at my disposal, it is impossible for me to oblige him by indulging in a discourse on international finance? (Mr. ATUL CHANDRA KUMAR: Why not deliver your lecture in the Calcutta University?) I can assure my friends opposite that I have a thorough grasp and knowledge of international finance. (Laughter.) I do not believe that even if I had the time at my disposal this House is the proper place where I should display my knowledge of the subject. (Laughter.)

Mr. PRAMATHA NATH BANERJEE: Sir, in view of the Hon'ble Minister's statement, may I beg of you, as the Vice-Chancellor of the Calcutta University, to arrange for a lecture being delivered by the Hon'ble Minister at the earliest possible date on the subject of international finance?

Mr. SPEAKER: I shall consider that question at the meeting of the Syndicate to-morrow. (Laughter.)

Babu NAGENDRA NATH SEN: But there will be no sitting of this House to-morrow.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I have explained to you the history of the origin of the scheduled banks.

Then, as regards notified banks, you know that this is also not a new thing and since the scheduled banks some of which are not working according to certain standards, have been left out, then why should not other much better-managed banks be helped? (Khan Sahib Maulvi SYED MUHAMMAD AFZAL: We have been convinced.) You are convinced, but they are not.

Let me explain, Sir, that if you actually feel for the country—and I know that you all feel for the country much more than I do—(cries of "No, no" from Congress members), you must not cripple the banking business altogether. Those that have done wrong to the country must be treated in one way, and this idea of rule-making,

which has been enunciated here, I may tell you, is not a new thing. We have already provided in the Bill that to work the Act satisfactorily, we should make rules for the guidance of Government. The only dissentient voice that has come from our party is that, when we make rules, so long as the rule-making power is vested in the Government—and the Government Secretariat with its technical knowledge of things would be preparing these rules—these rules should be placed before the entire Cabinet. The entire Cabinet used to accept these rules as their own. (Mr. SANTOSH KUMAR BASU: Was there any difference of opinion as regards these rule-making powers? Were they unanimous as regards these rules?) (Maulvi MUHAMMAD ISRAIL: But these are Cabinet secrets.) No, they are not Cabinet secrets, it is the way in which things are carried on in the Secretariat. That is how the business of Government has been carried on for the last 150 years. (Mr. SANTOSH KUMAR BASU: For the last 150 years? Good Lord!) It may not be 150 years, but, in any case it must be 75 or 80 years. And Government have been making rules for the proper carrying out of the administration at least during the last 75 years, and I submit that in this case also they will have to follow the same procedure. We have made provision in the body of the Bill that Government will have to make rules to carry out the object of the Bill. Government, in the rules that they make, must specify the conditions which must be fulfilled before any bank can aspire to be excluded from the operation of an Act like this. So, this idea of rule-making is not absolutely foreign. It is there. So, I may tell my friends that so far as rule-making is concerned, just three or four days ago the Upper House decided that whatever rules are made must be placed before the Legislature for approval. (Mr. SANTOSH KUMAR BASU: The Upper House?) They must be placed before the Cabinet, and after that they must be placed before the Legislature. So, that idea has now been agreed to in principle, and that is why I feel, viz., that whatever might have been our loop-holes, we must take the Legislature with us and that whenever the rules are framed they must be approved by the Legislature. If that is so, what other guarantee is necessary for the safe conduct of the work under this Act.

Then my friend, Dr. Sanyal, in his usual way tries to distrust the Government but who knows that he will not get a place here in future. Why should he not wait for his chance and so whatever power we can preserve will be enjoyed by him. At present people like Dr. Sanyal may well think that this power will not be properly used. But there will be no difficulty and nothing can be said against my department. That is my firm belief even now. The moment it is found that the slightest aspersion cast against my department is true, I will resign.

Mr. SPEAKER: The question before the House is the motion of Dr. Nalinaksha Sanyal——

Dr. NALINAKSHA SANYAL: Sir, may I submit that sub-clause (2) must be first voted upon. That is the original motion of the Hon'ble Mr. Suhrawardy about exclusion of scheduled banks and notified banks and if that is accepted, then alone the particular method of notification comes in, otherwise it does not arise.

Mr. SPEAKER: Yes, you are right.

The motion of the Hon'ble Mr. H. S. Suhrawardy that after clause 2(*10*) (*c*), the following sub-clause be inserted, namely:—

"(*d*) a loan advanced before or after the commencement of this Act—

(*i*) by a bank which was a scheduled bank on the 1st January, 1939, or by a bank which has been declared to be a notified bank under section 2A, whether or not such bank was a scheduled bank or was so declared to be a notified bank, as the case may be, at the time the loan was advanced"

was then put and a division claimed.

(After the ringing of the bell was over, Mr. Speaker raised the following point.)

Mr. SPEAKER: Mr. Bose, I find section 2A is specifically mentioned in this motion, namely, a bank which has been declared to be a notified bank under section 2A. So unless 2A is carried, would it be correct constitutionally to put this motion——

Dr. NALINAKSHA SANYAL: Sir, both are going to be placed simultaneously.

Mr. SPEAKER: I think the proper course would be that I put your amendment as an amendment to the entire motion and take 13, 5, 9 and 2A together.

Dr. NALINAKSHA SANYAL: Sir, I do not think, it would be the proper course—of course, I do not want to argue with you on this matter.

Mr. SPEAKER: I am glad to hear it!

The House has divided with the following result:—

AYES—116.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Kader, Mr. alias Lal Meah.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Aftab Ali, Mr.
Ahmed Ali Ennayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Basu, Mr. Jatindra Nath.
Birkmyre, Sir Henry, Bart.
Blomenstock, Mr. L. M.
Brows, Mr. A. O.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kiriti Bhusan.
Dass, Babu Debendra Nath.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman (Mymensingh), Mr.
French, Mr. F. H.
Golam Sarwar Hoseini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Hafizuddin Choudhury, Maulvi.
Hamiduddin Ahmed, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M. B. E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Hirtzel, Mr. H. A. F.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Miles, Mr. C. W.
Millar, Mr. C.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hosain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nooruddin, Mr. K.
Norton, Mr. H. R.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Ross, Mr. J. B.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sasseen, Mr. R. M.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Warden, Mr. P. F. S.
Yousef Mirza.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

NOES—68.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J.M.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deloi, Mr. Harendranath Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghosh, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jainuddin Hashemy, Mr.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maqbul Hosain, Mr.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Pain, Mr. Barada Prosanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sarkar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Singha Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Waliur Rahman, Maulvi.
Zaman, Mr. A. M. A.

The Ayes being 116 and the Noes 68, the motion was agreed to.

The motion of Dr. Nalinaksha Sanyal that for new clause 2A (amendment No. 14) proposed by the Hon'ble Mr. H. S. Suhrawardy, the following be substituted, namely:—

"2A. The Provincial Government shall by notification in the Official Gazette declare any bank to be a notified bank for the purposes of this Act, which may be recommended by the Reserve Bank of India or which complies with such conditions as the Provincial Government may, with the approval of the Provincial Legislature, prescribe by rules made under this Act"

was then put and a division taken with the following result:—

AYES—66.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.

Banerjee, Dr. Suresh Chandra.
Barma, Babu Prombari.
Barman, Babu Shyama Prasad.
Basu, Mr. Santosh Kumar.
Bhawmick, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deloi, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Hasan Ali Choudhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maqbul Hossain, Mr.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Waliur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—112.

Abdul Aziz, Maulana Mu.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Kader, Mr. Abdul Lal Meah.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Birkmyre, Sir Henry, Bart.
Blomefield, Mr. L. M.
Brown, M. A. C.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman (Mymensingh), Mr.
French, Mr. F. H.
Golam Sarwar Hossini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. G.
Hafizuddin Choudhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Maffjuddin Choudhury, Maulvi.
Mafizuddin Ahmed, Maulvi.
Maguire, Mr. L. T.
Mahatabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Muzaffuddin Ahmed, Maulvi.
Marindin, Mr. F. B.

Miles, Mr. C. W.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem, Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Noeruddin, Mr. K.
Norton, Mr. H. R.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Ross, Mr. J. B.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Manda.
Smith, Mr. H. Brahant.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Warren, Mr. P. F. S.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 66 and the Noes 112, the motion was lost.

The motion of the Hon'ble Mr. H. S. Suhrawardy that after clause 2 the following clause be inserted, namely:—

"*Notified banks.*—2A. The Provincial Government may by notification in the Official Gazette declare any bank to be a notified bank for the purpose of this Act:

Provided that no bank shall be so declared to be a notified bank unless it complies with such conditions as the Provincial Government may with the approval of the Provincial Legislature prescribe by rules made under this Act and not inconsistent with the provisions of this Act"

was then put and agreed to.

Adjournment.

The House was then adjourned till 4-45 p.m. on Monday, the 22nd May, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 22nd May, 1939, at 4-45 p m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 204 members.

STARRED QUESTIONS

(to which oral answers were given)

Bench and Court in Madhabpur Union Board, Tippera

*458. **Mr. ASIMUDDIN AHMED:** With reference to the reply to supplementary questions to starred question No. 351 of the 18th April, 1939, will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether he is considering the desirability of—

(a) making an inquiry whether the petition through a local M.L.A. in registered cover, on the 14th March, 1939, protesting against the establishment of union bench and court by the people of No. 1 Madhabpur Union Board, police-station Burichang, in the district of Tippera, has been received by the District Magistrate; and

(b) making a statement as to the action proposed to be taken on the petition?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (a) A petition through a local M.L.A. was received by the District Magistrate, Tippera, on the 16th March, 1939.

(b) The matter is receiving attention. The M.L.A. has been asked by the District Magistrate to furnish specific instances of grievances about the union bench and court. Until a reply from him is received no further enquiry in the matter is possible.

Mr. SHAHEDALI: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether the District Magistrate has subsequently received another application with particulars?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Whether any application has been received by District Magistrate is not within my knowledge. I would refer my honourable friend to the Collector himself whom he should approach for necessary information.

Female Training School, Dacca.

*459. **Maulvi MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) what is the minimum qualification required for admission into the—

(1) junior, and

(2) senior

course of the Female Training School at Dacca; and

(*ii*) the total number of students receiving training at present in each class in both junior and senior courses?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing separately from the years 1935 to 1938 of students of different communities including the Scheduled Castes—

(*i*) that were admitted in each class of the school;

(*ii*) that appeared in the annual and final examinations of each class from the school; and

(*iii*) that passed from the school?

(*c*) Is the Hon'ble Minister aware—

(*i*) that the number of successful Muslim female students in the final examination is small; and

(*ii*) that there exist certain grievances and disadvantages of a general nature for the students of the Muslim and Scheduled Castes communities?

(*d*) Are the Government considering the desirability of—

(*i*) providing additional accommodation for the increased number of students seeking admission; and

(*ii*) affording special facilities to the students of the Muslim and Scheduled Castes communities?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): Candidates who have passed class VI of a middle or high school are allowed to enter the class for the junior certificate. When candidates possessing these qualifications are not forthcoming students with inferior qualifications are admitted at the discretion of the head of the institution and subject to certain conditions.

(2) Candidates who have spent a full year in the Matriculation class or its equivalent are admitted to the course for the senior certificate.

(*ii*) Junior 36 and senior 14.

(*b*) A statement giving the particulars required is placed on the table.

(*c*) (*i*) Yes.

(*ii*) I have no such information.

(*d*) (*i*) There is a proposal for a larger training college.

(*ii*) Government have in mind the needs of the Muslim and Scheduled Castes communities.

Statement referred to in the reply to clauses (b) (i), (ii) and (iii) of starred question No. 459, showing the admission and results of the examinations for the students of the different communities, including Scheduled Castes, in the Vernacular Training School, Dacca, for the years 1935, 1936, 1937 and 1938.

Year.	Class.	No. admitted.				No. appeared.								No. passed.							
						Annual.				Final.				Annual.				Final.			
		Muhammadans.	Scheduled Castes.	Hindus.	Others (Christian).	Muhammadans.	Scheduled Castes.	Hindus.	Others.	Muhammadans.	Scheduled Castes.	Hindus.	Others.	Muhammadans.	Scheduled Castes.	Hindus.	Others.	Muhammadans.	Scheduled Castes.	Hindus.	Others.
1935 ..	1st Year Junior	12	2	10	.	11	2	10	..	..	..	..	..	9	2	9	..	..	..	..	..
	2nd Year Junior	7	1	10	2	..	..		..	6	1	9	2	..	..	..	..	4	1	8	2
	Senior	.	..	7	.	..	..	.	..	..	..	6	..	..	..	..	..	..	..	1	..
	Total ..	19	3	27	2	11	2	10	..	6	1	15	2	9	2	9	..	4	1	9	2
1936 ..	1st Year Junior	9	1	7	2	7	1	7	2	..	..	..	..	6	1	7	2	..	..	..	..
	2nd Year Junior	9	1	12	..	..	..	..	..	9	1	10	..	..	..	..	..	9	1	[illegible]	..
	Senior	1	.	8	..	..	..	..	..	1	..	8	..	..	..	..	..	1	..	8	..
	Total ..	19	2	27	2	7	1	7	2	10	1	18	..	6	1	7	2	10	1	15	..

1937 ..	1st Year Junior	10	2	7	2	9	2	7	2	..	..	.	..	9	2	6	2	..	..	..	..
	2nd Year Junior	7	1	7	2	..	..	..	..	6	1	7	2	..	..	..	..	1	1	7	2
	Senior	1		11	.	..		..	.	1	..	11	..	..	..	..	..	1	..	5	..
	Total .	18	3	25	4	9	2	7	2	7	1	18	2	9	2	6	2	2	1	12	2
1938 ..	1st Year Junior . ..	11	1	6	1	10	1	6	1	..	..	..	..	7	..	6	1	..	..	..	..
	2nd Year Junior	9	1	7	2		.	.		6	1	7	2	..	..	..		2	..	2	2
	Senior	1	.	11	.	.	.	..	..	..	..	11	..	..	..	..	..	..	..	8	..
	Total .	21	2	24	3	10	1	6	1	6	1	18	2	7	..	6	1	2	..	10	2

Admission into Kurigram Guru Training School.

*460. **Kazi EMDADUL HAQUE:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) how many *gurus* did appear at the last Test Examination preparatory to admission into the Guru Training School at Kurigram from the Kurigram and Lalmonirhat circles;

(b) how many *gurus* from each circle have come out successful;

(c) how many *gurus* from each of the circles have been admitted; and

(d) how many *gurus* were admitted during each of the last three years to the Kurigram Guru Training School and from what circle?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) Kurigram Circle 60 and Lalmonirhat Circle 21.

(b) There is no question of success in the examination, but *gurus* are selected for admission in order of merit after taking the results of the examination into consideration.

(c) Kurigram Circle 11 and Lalmonirhat Circle 3.

(d) A statement is laid on the table.

Statement referred to in the reply to clause (d) of starred question No. 460, showing gurus admitted into the Kurigram Guru Training School.

Serial No.	Name of Circle.	1937.	1938.	1939.	Subdivision.
1	Kurigram ..	20	10	11	Kurigram.
2	Lalmonirhat ..	8	5	3	,,
3	Sadar	3	4	8	Sadar.
4	Badarganj ..	..	3	..	,,
5	Mahiganj ..	..	3	7	,,
6	Mithapukur ..	..	..	1	,,
7	Gaibandha ..	..	6	5	Gaibandha.
8	Govindaganj ..	9	5	2	,,
9	Sundarganj ..	..	4	3	,,
10	Nilphamari ..	..	..	..	Nilphamari.
11	Jaldhaka ..	..	..	.	,,
	Total ..	40	40	40	

Kazi EMDADUL HAQUE: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether papers are set for the examination, they are examined, marks are allotted and results declared?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot answer that question without reference to the authorities. I want notice.

Kazi EMDADUL HAQUE: Will the Hon'ble Minister be pleased to state how the merit of a candidate is judged?

Mr. SPEAKER: That question hardly arises. After all, every institution will judge its own men by its own standard.

Officers of Sibpur Engineering College permitted to undertake private work.

***461. Mr. J. N. GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether any officer on the staff of the Engineering College, Sibpur, has been granted permission to serve also elsewhere in addition to his official duties?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the name of such officer; and

(*ii*) the nature of the work for which permission has been given?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) (*i*) Mr. A. K. Banerjee, part-time Lecturer in Geology, Bengal Engineering College.

(*ii*) Permission was given in general terms to undertake other work, provided that such other work did not interfere with the performance of his official duties.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*ii*), will the Hon'ble Minister be pleased to state whether a professor or a lecturer of an Engineering College can enter into any private engineering business subject to the proviso that it does not interfere with the performance of his official duties?

Mr. SPEAKER: The question has been answered in full—he is only a part-time lecturer.

Mr. PROMATHA RANJAN THAKUR: May I know whether a full-time lecturer can do so?

Mr. SPEAKER: That is a hypothetical question.

Babu KAGENDRA NATH SEN: What are the reasons that induced Government to give this permission to Mr. Banerji?

Mr. SPEAKER: That question has also been answered—he is only a part-time lecturer.

UNSTARRED QUESTIONS.

(answers to which were laid on the table)

Distribution of agricultural loans in Dewanganj and Islampur thanas of Mymensingh.

216. Mr. MD. ABDUL JABBAR PALWAN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the amount that has been distributed in the thanas of Dewanganj and Islampur (separately) in the district of Mymensingh as agricultural loans in 1938-39; and

(*ii*) how many persons have been given such loans in each of these two thanas?

(*b*) Is the Hon'ble Minister aware that distress prevails even now in Unions Nos. 1, 4 and portion of No. 2?

(*c*) If the answer to (*b*) is in the affirmative, are the Government considering the desirability of sanctioning fresh loans for these areas?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*)—

Name of thana.	Amount distributed as agricultural loan.	Number of persons whom the loan was given.
	Rs.	
Dewanganj	19,952	4,588
Islampur	16,400	5,203

(*b*) Yes.

(*c*) Further loans in these areas are being distributed now.

Free primary schools within the Rangpur Municipality.

217. Mr. SHAH ABDUR RAUF: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) how many free primary schools have been established within the Rangpur Municipality since the introduction of the Free Primary Education Scheme in the district;

(*b*) how many teachers have been employed in those schools;

(*c*) how many of them are Muslims;

(*d*) what is the annual expenditure for these schools; and

(*e*) how much of the total expenditure is contributed by Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) 8.

(*b*) 34.

(*c*) 5.

(*d*) Rs. 14,400 per annum.

(*e*) Not exceeding Rs. 6,000 per annum.

Fazlul Huq Guru Training School and a College at Dadanchak, Malda.

218. Mr. TARINI CHARAN PRAMANIK: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that a *guru* training school known as Fazlul Huq Guru Training School and a college have been established at Dadanchak in Malda district?

(*b*) If so, what steps, if any, are being taken by Government for the stabilisation of the said school and college with a view to their permanency?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) The question does not arise, as the institutions have not yet fulfilled the conditions of recognition.

Reappointment of discharged process-servers of the Bakarganj district.

219. Maulvi ABDUL HAMID SHAH: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether the discharged process-servers, mentioned in the reply given to starred question No. 54 of the 20th December, 1934, in the Bengal Legislative Council, of the district of Bakarganj have up till now been reappointed permanently?

(b) If the answer to (a) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

(c) Have any outsiders been appointed permanently in the district since the reply was delivered?

(d) Is the Hon'ble Minister aware that in place of the Muhammadan process-servers discharged during the two years 1932 and 1933 Caste Hindu outsiders have been taken in during the years 1937, 1938 and 1939?

(e) If the answer to (d) is in the negative, is the Hon'ble Minister contemplating an enquiry into the matter?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (a) Some of them were reappointed permanently. No provision could be made for the other discharged process-servers for want of permanent vacancy.

(b) and (e) Do not arise.

(c) and (d) No.

Conduct of police authorities in relation to ex-detenu Babu Chiranji Lal Shroff.

206. ISWAR DAS JALAN: (a) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(i) that between 1932 and 1938 Babu Chiranji Lal Shroff, a Marwari young man of Calcutta and an ex-detenu, was not less than half a dozen times arrested by the Hare Street thana and sent up for trial under different sections of the Indian Penal Code and Calcutta Police Act, but each time acquitted, the trying Magistrate making in some cases remarks against the said Hare Street thana;

(ii) that on the 11th November, 1935, the said Chiranji Lal Shroff was taken to the Hare Street thana at 4 p.m. by the police and then escorted to the Commissioner of Police at Kyd Street, wherefrom he was let off late at night after a statement about his activities had been recorded by the Deputy Commissioner;

(iii) that the said Chiranji Lal Shroff, when in police custody at Lal Bazar complained on the morning of the 19th February, 1938, to the Deputy Commissioner of Police at Lal Bazar, of an assault on him the previous night; and

(iv) that he was kept in jail till the 1st March, 1938, when the Hon'ble High Court intervened to grant him bail and the case ended in his acquittal?

(b) If the answer to (a) is in the affirmative, is the Hon'ble Minister considering the desirability of making an enquiry into the matter?

(c) If not, why not?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) (i) Five cases have been traced in which Babu Chiranji Lal Shroff was prosecuted during the period mentioned. He was acquitted in four cases and convicted in one. The Commissioner of Police reports that there is nothing in his records to show that any adverse remarks were made against the police by the trying Magistrates in these cases.

(ii) It is true that he went to the Hare Street thana on the 11th November, 1935, and afterwards to the Commissioner of Police, but my information is that he went willingly and that he left at about 4-30 p.m.

(iii) Yes, but on medical examination no signs of any injury could be found.

(iv) Yes: Bail was refused by the trying Magistrate as the case was non-bailable

(b) and (c) Do not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if this Mr. Chiranji Lal Shroff is the same person as was the Joint Secretary of the Anti-Gambling League of which the Hon'ble Khan Bahadur Azizul Haque was the President?

Mr. SPEAKER: I think, strictly speaking, he was then Mr. Azizul Haque (laughter).

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Dr. NALINAKSHA SANYAL: Is it a fact that this Mr. Shroff had put in a petition in the court of the Chief Presidency Magistrate, Calcutta, on the 14th December, 1936, drawing attention to the fact that because of his activities in connection with the Anti-Gambling League, he was likely to be harassed by the police and some rich men?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Dr. NALINAKSHA SANYAL: A copy of his petition, dated the 14th December, 1936, is with me. The copy shows that he apprehended trouble for which he might have to approach the court for protection.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have got no information.

Dr. NALINAKSHA SANYAL: Is it a fact that on the 29th April, 1930, this young man was first arrested under the Bengal Ordinance and was detained in jail up to May, 1931?

The Hon'ble Khwaja Sir NAZIMUDDIN: I find that this man is an ex-detenu, but I cannot verify the dates at the present time.

Dr. NALINAKSHA SANYAL: Is it a fact that this young man was thereafter found to be connected with various kinds of social service activities like labour organisation and anti-gambling work?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have no information.

Dr. NALINAKSHA SANYAL: Is it a fact that on the 14th November, 1932, an Assistant Sub-Inspector of the Special Branch arrested him on the footpath of the Royal Exchange under section 54 and charged him under section 353, Indian Penal Code, but ultimately the case was withdrawn by the police?

The Hon'ble Khwaja Sir NAZIMUDDIN: From the information available and from the statement that we took from this gentleman, it appears that he was arrested and prosecuted for obstruction and the period on record is February, 1933.

Dr. NALINAKSHA SANYAL: Yes, I am coming to that date also.

Will the Hon'ble Minister be pleased to state whether he was again arrested by the Hare Street police near the East India Jute Association, Limited, for obstructing the footpath but was acquitted by an Honorary Magistrate after trial?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as 1933 is concerned, viz., prosecution for obstruction and subsequent acquittal, it is correct.

Dr. NALINAKSHA SANYAL: Is it a fact that in August, 1933, he was again arrested on the same charge by the Calcutta Police and again he was acquitted after trial?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is also correct, I think.

Dr. NALINAKSHA SANYAL: Is it a fact that in September, 1933, he sent a petition to the Hon'ble the Home Member and the Commissioner of Police for protection in view of the threats that he was receiving from the gamblers, i.e., the *fatkawallas* of the East India Jute Association?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have no information, Sir.

Dr. NALINAKSHA SANYAL: Is it a fact that on the 20th October, 1933, he was again arrested under section 54, Cr. P. C., in connection with the Khangrapatti robbery case which was a political case and after five days' lock-up he was discharged?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. I don't find any record of the arrest of Mr. Chiranji Lal Shroff after the 29th August, 1933, till 15th March 1934. There was nothing in between.

Dr. NALINAKSHA SANYAL: Before the 15th March, 1934, there were some incidents which were not perhaps recorded by the police?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is no record of any material up to the receipt of this question which contains the statement made by the honourable member.

Dr. NALINAKSHA SANYAL: Is it a fact that he was again arrested under section 72 of Act IV of the Calcutta Police Act by the same Hare Street Police in the same place, viz., the Royal Exchange Place and he was again honourably acquitted by an Honorary Magistrate after some trial?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is correct, Sir.

Dr. NALINAKSHA SANYAL: Is it a fact that on the 18th July, 1934, he was again arrested with 18 labour leaders for a meeting at Albert Hall in connection with the Anti-Gandhism League or Communist Party of Bengal and he was acquitted and the learned Public Prosecutor admitted that there was no evidence against accused No. 12 (Chiranji Lal Shroff) and that he was falsely implicated in this case?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have no information, Sir.

Dr. NALINAKSHA SANYAL: Is it fact that in September, October and November, 1935, police officers came to his house and to his business place at Royal Exchange Place and sometimes requested him to go to the thana and several times asked him to accompany them to different places?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I can find, on the 20th November, 1935, he was convicted and sentenced to detention till the rising of the court and fined Rs. 50 in default to suffer two months' rigorous imprisonment.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister kindly let the House know the offence for which he was convicted in this case? Was it for pushing a constable?

The Hon'ble Khwaja Sir NAZIMUDDIN: He was arrested at the Royal Exchange Place for assaulting a constable. He was sent up and convicted on the 20th November, 1935, and sentenced to detention till the rising of the court and fined Rs. 50, or in default to suffer rigorous imprisonment for two months.

Dr. NALINAKSHA SANYAL: To cut short, I have got one more question in this series.

Mr. SPEAKER: How many series have you got? (Laughter.)

Dr. NALINAKSHA SANYAL: I submit, Sir, that this is a case in which I should receive your indulgence. If a third-degree case of this nature had happended in any other country, it would have created a revolution. (Laughter.) A man was constantly pursued by the police for his anti-gambling work because the police was in league with the gamblers.

Mr. SPEAKER: How long will you go on, Dr. Sanyal?

Dr. NALINAKSHA SANYAL: Sir, I have got one more question. This is a very important matter, Sir, and I hope that you will not exercise your authority to stop me.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. Although I am quite prepared to give the honourable member any information that is available, I would like to state very emphatically that these incidents happened before the present Government took office, and so they cannot be held accountable for them. Apart from that, Sir, I submit that these questions are not really relevant to the issue.

Dr. NALINAKSHA SANYAL: All right. I am coming to the incidents for which the present Government is responsible.

Is it a fact that on the 18th February, 1938, when this Government was in office this young man was again arrested at the Royal Exchange Place by the same Hare Street Police and placed this time under section 406, I. P. C., and in this case also after a protracted trial, in which both sides fought very hard, he was acquitted?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes. This was a case on the complaint of a private person, namely, Sukkar Jhoonjhoonwalla. Mr. Chiranji Lal Shroff was arrested under section 406, I. P. C., on the complaint of Mr. Jhoonjhoonwalla that he had criminally misappropriated Rs. 261 entrusted to him for redeeming a gold ornament which was pledged through him. He was sent up under section 406, I. P. C., but the Chief Presidency Magistrate, who tried the case, gave him the benefit of doubt on the 2nd June, 1938, and acquitted him.

Dr. NALINAKSHA SANYAL: Is it a fact that this Mr. Jhoonjhoonwalla admitted in court that he was put up by the police?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. It is obvious that that is not correct.

Dr. NALINAKSHA SANYAL: Is it a fact that this Jhoonjhoonwalla has not yet taken away the ornament in question which was pawned?

Mr. SPEAKER: Dr. Sanyal, you are going much more with these questions than is admissible.

Dr. NALINAKSHA SANYAL: All right, Sir. I shall put another question.

Is it a fact that this Mr. Chiranji Lal was taken to the house of the Deputy Commissioner of Police accompanied by Mr. Hamid, (The Hon'ble Khwaja Sir NAZIMUDDIN: When?) officer-in-charge of the Hare Street police-station?

Mr. SPEAKER: When?

Dr. NALINAKSHA SANYAL: On the 11th November, 1935. (Laughter.)

Mr. SPEAKER: He has replied already. Dr. Sanyal, I do not want to stand in the way of honourable members putting questions, but surely you can understand that this Government cannot possibly be held responsible for incidents which happened four years ago.

Dr. NALINAKSHA SANYAL: I submit, Sir, that the answer to the question is not old. The answer is only recent.

Mr. SPEAKER: After that answer nothing rises.

Dr. NALINAKSHA SANYAL: But I submit, Sir, that it is not a correct answer.

Mr. SPEAKER: I am quite prepared to allow you to put any questions relating to incidents with which this Government is concerned.

Dr. NALINAKSHA SANYAL: But these are questions of fact. Is it a fact that this Mr. Chiranji Lal Shroff has recently been refused passport to Japan on the ground that he has been very much in the attention of the police?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that this question does not arise.

Mr. SPEAKER: How does that question arise?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is the subject-matter of another question.

Dr. NALINAKSHA SANYAL: Sir, I want to trace how this young man has been pursued all along. You know, Sir, as a criminal lawyer that when a man is dragged into court and is acquitted honourably, there should be an end of the matter. This kind of treatment has been meted out to this young man no less than 12 times. There must be a limit to it, Sir.

Mr. SPEAKER: There is still time for you to join the Bar! (Laughter.)

Dr. NALINAKSHA SANYAL: In connection with one of the petitions of Mr. Chiranji Lal, which was addressed to Mr. L. H. Colson, the then Commissioner of Police, Mr. Robertson made the remarks: "Previous papers are attached below. The petitioner was leading a procession which came to the Monument. He is a most

undesirable person, and all these petitions of his are merely a shag. He obstructs the police on the public road while others play *fatka*, and he thinks that he is immune from law."

Mr. SPEAKER: When was that?

Dr. NALINAKSHA SANYAL: That was on the 18th April, 1934.

Mr. SPEAKER: You can't ask the present Government about that incident.

Dr. NALINAKSHA SANYAL: Is it a fact that this Mr. Robertson is still in the Calcutta Police and is still pursuing this kind of treatment?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, it is not a fact.

Dr. NALINAKSHA SANYAL: Which part of the question is not correct? Is not Mr. Robertson still in the Calcutta Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: The latter part.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if he will consider the desirability of ensuring civil liberty to this young man, of every sort?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think, in spite of these questions, that there is any reason to apprehend that this gentleman has not had civil liberty.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to consider the desirability of giving assurance of civil liberty of every kind to this young man?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think that in spite of the series of questions, there is any reason to apprehend that this gentleman has not had civil liberty.

Mr. P. BANERJI: If my memory is correct——.

Mr SPEAKER: To which year are you referring?

Mr. P. BANERJI: Sir, my question will refer to a matter in 1933.

Mr. SPEAKER: Then, I am afraid, I cannot allow you to put such a question.

Mr. P. BANERJI: In view of the assurance given by the then Home Member, Mr. Prentice, that this gentleman will not any more be harassed, will the Hon'ble Minister be pleased to state, considering the present circumstances, whether he would give the assurance that this gentleman will not be any more harassed?

The Hon'ble Khawja Sir NAZIMUDDIN: I am not prepared to accept that he has been harassed.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that this young man was arrested on the 18th February, 1938, which was a Friday, and he was produced on Saturday afternoon before Mr. H. K. De who refused to grant him bail, and he was debarred from applying to the High Court as Monday and Tuesday following were holidays?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: I submit, Sir, that it arises as it has been said in the answer that it was a non-bailable offence. Sir, I would like to say that there was no question of bail being refused because bail was already given to him when the matter was dragged to the Court of the Chief Presidency Magistrate. My point is that there are such favourite Magistrates of the Police——

Mr. SPEAKER: I am afraid, Dr. Sanyal, you are abusing your right of asking questions.

Dr. NALINAKSHA SANYAL: Sir, I want to know if it is a fact that this young man was arrested on Friday afternoon, was placed before the Magistrate, Mr. H. K. De, who was not the Chief Presidency Magistrate but another Magistrate, on Saturday afternoon, and when this Mr. De refused him bail, there was no opportunity for him to go to a higher Court because Monday and Tuesday were holidays.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, before I answer this question, I would like to be assured that Dr. Sanyal has withdrawn the remark that the Police have their favourite Magistrates.

Mr. SPEAKER: Dr. Sanyal, you have to withdraw that expression.

Dr. NALINAKSHA SANYAL: Sir, the Hon'ble Minister may as well repudiate that there is favouritism.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is an insinuation and he cannot do that.

Dr. NALINAKSHA SANYAL: Let him repudiate that. I have not made any reflection on any individual. But, Sir, a general observation of that character may, if necessary, be repudiated by the Hon'ble Home Minister.

Mr. SPEAKER: You can make such observaitons when the proper time comes, but this is not the occasion.

Dr. NALINAKSHA SANYAL: Let him repudiate it, Sir.

Mr. SPEAKER: Dr. Sanyal, one of the cardinal principles which, I think, you should have learnt is that just as you are entitled to ask for the civil liberty of everybody, you yourself ought to see that everyone's honour is kept by you.

Dr. NALINAKSHA SANYAL: But, Sir, I have a social duty to perform. Will the Hon'ble Minister be pleased to state if the High Court was not in holiday for another 7 days after re-opening on Wednesday following?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have no information just now on this point.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that on the 8th March, a petition of transfer under section 526, Cr. P. C., was granted by the Chief Presidency Magistrate and the case was taken away from the file of Mr. H. K. De to that of the Chief Presidency Magistrate himself?

Mr. SPEAKER: That is a fresh question.

Dr. NALINAKSHA SANYAL: Sir, the question is whether bail was refused and I am leading to that fact. The answer given is—bail was refused because it was a non-bailable offence. I am putting the question if the Chief Presidency Magistrate granted him bail as soon as the case was transferred to his file.

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that this Chief Presidency Magistrate thereafter refused to re-transfer the case to the file of the original Magistrate and in spite of the request of the Police——

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Is it not a fact that this Chief Presidency Magistrate in his judgment declared that this young man was innocent and the case was false?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. He was given the benefit of doubt, and from the records in my possession it appears that it was the High Court that ordered the bail.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether any enquiry was made regarding his complaint that he was assulted on the previous night?

The Hon'ble Khwaja Sir NAZIMUDDIN: In the presence of the Deputy Commissioner, Headquarters, the Sub-Assistant Surgeon examined him but he failed to find any signs of injury on his person.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the grounds for which the Police asked for re-transfer of the case from the Chief Presidency Magistrate to Mr. H. K. De?

Mr. SPEAKER: That question does not arise.

Search warrant issued by the Subdivisional Officer of Chandpur, district Tippera.

211. Maulvi JONAB ALI MAJUMDAR: (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state how many search warrants were issued by the Subdivisional Officer, Chandpur, in the district of Tippera, from the 1st of December to the 31st December, 1938?

(*b*) Who are the persons against whom these search warrants were issued?

(*c*) What were the places which were to be searched in those warrants?

(*d*) Which were the date or dates of issue of those search warrants?

(*e*) Is the Hon'ble Minister aware—

(*i*) that some applications for a certified copy of a search warrant and also for a copy of Court Sub-Inspector's Warrant Register from the 14th to the 23rd December, 1938, were rejected by the Subdivisional Officer's office, Chandpur.

(*ii*) that the Officer-in-charge of Hajiganj police-station (Tippera) did not return a search warrant after service; and

(*iii*) that he did not submit a list of some papers seized in connection with that search which was held on the 23rd December, 1938?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Four.

(*b*) (1) Munshi Elahi Baksa, of Koomia, police-station Faridganj.

(2) Maulvi Jonab Ali Mazumdar, late President of Kalacho Union Board, and his clerk Abdus Sobhan Mazumdar.

(3) Munshi Safatulla Mia of Makimabad, police-station Hajiganj.

(4) Munshi Khalilar Rahman and Munshi Afazuddi Bepari of Rostompur, police-station Faridganj.

(*c*) The houses of the persons named and in the case of Maulvi Jonab Ali Mazumdar, the house of his clerk and the Union Board office also.

(*d*) (1) 2nd December, 1938.

(2) 14th December, 1938.

(3) 15th December, 1938.

(4) 16th December, 1938.

(*e*) (*i*) No application was made for a copy of any entries in the Court Sub-Inspector's Warrant Register. Applications were filed by one Habibulla Mazumdar for a copy of the search warrant issued against Maulvi Jonab Ali Mazumdar and for a copy of the search warrant register of the Subdivisional Officer's Court. These were refused as the applicant was not a party to the warrant and no search warrant register is maintained in the Subdivisional Magistrate's Court. A copy of the search warrant was later granted to the authorised pleader of Jonab Ali Mazumdar.

(*ii*) and (*iii*) The warrant was returned after execution on the 20th March, 1939, and the list of papers seized was submitted on the 5th April, 1939. Disciplinary action has been taken against the Sub-Inspector of Police who was responsible for the delay.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state what disciplinary action has been taken against the Sub-Inspector of Police who was responsible for the delay and when?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if it is a fact that the search warrant was executed on the 31st December, 1938?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add to what is given in the answer.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if it is a fact that Maulvi Jonab Ali Mazumdar himself filed an application for a copy of the search warrant on the 9th February, 1939?

The Hon'ble Khwaja Sir NAZIMUDDIN: No application was made for a copy of Court Sub-Inspector's Warrant Register. Application filed by one Habibulla Mazumdar for a copy of the search warrant issued against Maulvi Jonab Ali Mazumdar was rejected as he was not entitled to have a copy of the warrant, not being a party to it. A copy of the search warrant was granted when a petition for a copy was filed by the authorised pleader of Maulvi Jonab Ali Mazumdar.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if it is a fact that before the copy was supplied to Jonab Ali Mazumdar, who was a party to the case, Maulvi Jonab Ali Mazumdar himself filed an application on the 9th February for a copy of the search warrant?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think so.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state upon whose report it has been stated that disciplinary action has been taken against the Sub-Inspector of Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have been informed by the District Magistrate.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state what disciplinary action has been taken on that report?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not got it here with me.

STARRED QUESTIONS

(to which oral answers were given)

Construction of Siva temple in the compound of the Criminal Court, Jamalpur.

*456. **Mr. ABDUL KARIM:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that the Hindu treasury guards and constables at Jamalpur have been allowed to construct *pucca* "Siva temples" in the compounds of the Criminal Court and the old thana buildings;

(*ii*) that the local Muslims were not permitted to construct a "pulpit" in their *Idgah* in *khas mahal* land in front of the new thana buildings;

(*iii*) that the litigants and other neighbouring Muslims of the Criminal Court of Jamalpur have to say their prayers in the old and unrepaired mosque in front of the Circle Officer's quarters; and

(*iv*) that the repairs of the said mosque are not allowed by the authorities?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of permitting the construction of a pulpit in the *Idgah* and repairing of the old mosque?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) Two shrines have been erected without authority in the compounds of the Criminal Court and the thana building at Jamalpur.

(*ii*) Yes.

(*iii*) and (*iv*) There is a mosque situated about 300 yards from the Subdivisional Office where people from the Court generally assemble to say their prayers. The honourable member is evidently thinking of a tin shed with a *pucca* plinth in the compound of the residential quarters of the Circle Officer which appears to have been used as a mosque by residents of the Muhammadan hostel before the conversion of the hostel into residential quarters. Since a wall was blown down five or six years ago the shed has not been used. I am informed that some people

recently asked the local officer of the Communications and Works Department for permission to repair the building, and that the officer advised them to apply to higher authority.

(*b*) Government are not prepared to permit the construction of a pulpit on the public land in front of the new thana buildings. The position in regard to the old mosque will be examined on receipt through the proper channel of an application for permission to repair it.

Mr. ABDUL WAHAB KHAN: With reference to answer (*a*) (*i*), will the Hon'ble Minister be pleased to state whether these shrines were allowed to be erected with the acquiescence of the local authority?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It is very difficult to trace when they were erected.

Khan Sahib HAMIDUDDIN AHMAD: Will the Hon'ble Minister be pleased to state if it is a fact that the Muslims were saying their *Id* prayers in the khas mahal land in the new thana compound long before the thana building was shifted to that place?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That is not my information.

Khan Sahib HAMIDUDDIN AHMAD: If the Government have allowed the shrines to remain on Government khas mahal land, will the Hon'ble Minister be pleased to state why they cannot allow the Muslims to erect a building in a place where they have been saying their prayers for a long time?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The policy of Government in this direction is that they will not ordinarily object to the improvement of either a mosque or a temple which has existed from some time in the past. But if it be a question of erection of either a new mosque or a new temple, certainly Government will have to take various factors into consideration

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state while the shrines were allowed to be erected within the old thana compound why they could not be constructed within the new thana compound?

Mr. SPEAKER: Will you tell me when they were constructed?

Maulvi ABDUL BARI: They were constructed some time back.

Mr. SPEAKER: Following the policy which I enunciated just now in Dr. Sanyal's case, I must say that if it was not done in this Government's time, you cannot ask this question.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if it is the policy of the Government that either any shrine or any mosque should not be allowed to be constructed on any Government land and whether the existing shrines within the old thana compound should be demolished?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have already stated, Government's policy in this direction is that if a temple or a mosque, although constructed without permission but has been in use as such for a long time, Government would not usually interfere with it.

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: Is the Government considering the desirability of taking any action against those persons who erected the shrines on the khas land without the permission of the authorities?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir.

Mr. ABDUL KARIM: Will the Hon'ble Minister be pleased to state why any permission is necessary for repairing the mosque standing there?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think if it be a question of mosque or a temple erected without permission, certainly it requires the approval of Government for repairing the same.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Discretionary fund of His Excellency the Governor.

214. Maulvi ABDUR RAZZAK: Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(*a*) the amount sanctioned for the Noakhali district out of "discretionary fund" of His Excellency the Governor of Bengal for the current year;

(b) how much was given for Feni subdivision; and

(c) for what purpose has the amount so given been spent?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) and (b) Nil.

(c) Does not arise.

Summons on M. L. A.'s.

Mr. SPEAKER: May I draw the attention of the Home Minister to the fact that of late very frequently summonses which are intended for the members of this House are sent to me for service. I feel that it is not the correct procedure to be observed. I am not here to serve the processes; besides the members do not stay here. The summonses should be served at their residences wherever they may stay. I am quite prepared to give Government information about their addresses. Of late a number of summonses have come to me and I am required to serve them.

Mr. JOGESH CHANDRA GUPTA: Civil or criminal?

Mr. SPEAKER: Both.

For the time being here is a summons (showing) which I am asked to serve upon a member asking him to appear before a Court. I am not going to serve it; the contents of it are entirely wrong. The man is being asked to give evidence in a case under section 7 of the Criminal Procedure Code. Section 7 of the Criminal Procedure Code deals with the constitution of court. Therefore the contents of the summons are entirely wrong, and taking that technical plea apart from everything else, I am not going to serve it. I am going to draw the attention of the Home Minister to the fact that in every case the summons should be served at the residence of the member.

Mr. JOGESH CHANDRA GUPTA: Is the Speaker expected to have the verification and swearing of the service of summons?

Mr. SPEAKER: Yes.

The Hon'ble Khwaja Sir NAZIMUDDIN: I think that is a matter that should be dealt with directly by you.

Mr. SPEAKER: The Courts seem to think that I am as much a Government servant as a District Magistrate.

The Hon'ble Khwaja Sir NAZIMUDDIN: What has Government got to do with it?

Mr. SPEAKER: I find that summonses are coming from different places, such as, Noakhali, Burdwan, Midnapore, Rajshahi, and Murshidabad. The authorities in those places seem to be under the impression that the Speaker of the House is another Government servant to serve the processes.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is the Court that is doing it and not Government. Another thing is that there may not be any other address except the designation "M.L.A."

Mr. SPEAKER: If the District Magistrate, or the Subdivisional Officer or the trying Court does not know that the designation of M.L.A. is something more than private address, I have nothing to say. In any case, I can say that unless the Home Department takes any step in the matter, I am not going to serve any summons which comes to me. I am going to return this summons (shown)

The Hon'ble Khwaja Sir NAZIMUDDIN: Government have never expected you to serve summons

Mr. SPEAKER: I feel that if the Court thinks that these summonses should be served, they should be served at the residences of the members I am not going to do it again

Adjournment motion.

Kazi EMDADUL HAQUE: Mr. Speaker, Sir, you were pleased to give me permission to move an adjournment motion for which I gave timely notice. Sir, I beg to move that the business of the Assembly be adjourned to discuss a matter of urgent public importance, namely, the situation arising out of the Government's communicating its final decision to discontinue the Kurigram town protection work in progress yesterday.

(Copy was then handed over to the Speaker.)

Mr. SPEAKER: It is alleged that Government after spending a sum of Rs. 48,000 has not completed the work for the sake of about Rs 7,000. That would mean according to him a great danger to the public there. That is why I thought I should consider whether this motion is in order. Now I want to know whether the statement of fact is correct, namely, that Rs. 48,000 roughly had been incurred, and that when the remaining work was likely to take up only another Rs. 7,000 the project was abandoned. I also want to know if it was abandoned when it was abandoned.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, may I point out that we are not in a position to say how much money has actually been spent until the accounts are made out? But it is a fact that a large amount has already been spent.

Mr. SPEAKER: Is the amount already spent as large as Rs. 48,000 or near about?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It will be over Rs. 30,000. Government came to a decision to abandon this project during the budget discussion and the Leader of the Opposition was informed of it in reply to his letter about 3 weeks ago. Therefore, I do not think this is a matter of urgent public importance of recent occurrence.

Mr. SPEAKER: Who wrote that letter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I wrote the letter informing the Leader of the Opposition.

Dr. NALINAKSHA SANYAL: On a point of order, Sir? We find that in the budget there was an allotment of nearly Rs. 80,000, or Rs. 85,000 if I am not mistaken, on account of this work and the Hon'ble Minister says that during the budget discussion it was decided to drop the scheme so that the Hon'ble Minister had got the sanction of the budget keeping back the information from the House. I submit that having got the sanction of the House and having spent a portion of the money, it does not lie with the Government to withhold it without the sanction of this House. There is another point, Sir. I am informed that only day before yesterday—not as long ago as 3 weeks—there had been some representations made to the Hon'ble Minister. There has also been some representation through the members of the Opposition also and attempts were going on to convince him to stand by the recommendations of his experts, that is, the Chief Engineer (Irrigation) and his subordinates. The experts have given their opinion that unless something is done the town is going to be washed away. The matter is very urgent because the House will adjourn in another two weeks, and the rainy season will be on and unless this House is in a position to give a definite direction there will be a calamity in a big area involving loss of life, property and so on. So you will kindly admit it in consideration of the immediate and urgent nature of the case, although it may not arise out of any recent occurrence. The recent occurrence is to the extent of the refusal of Government ultimately not to spend the balance. Only day before yesterday there was a final attempt made to wait on deputation on the Hon'ble Minister.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Which Hon'ble Minister is Dr. Sanyal referring to?

Dr. NALINAKSHA SANYAL: The Hon'ble Minister in charge of Communications and Works. He was approached——

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I was ill in bed then.

Dr. NALINAKSHA SANYAL: An attempt was made to see the Hon'ble Minister but he was not available. Unless we come to a decision now, there will be a very serious situation created in the place.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: May I also point out that the Government are not bound to spend any money which is sanctioned by this House if it is found later on that the money will be wasted? Secondly, as has been stated, the ultimate expenditure comes to about Rs. 45,000 and part of it would be utilised for the acquisition of land. Now no money has been spent for land acquisition. As regards the expert opinion which my friend has stated, I may state that the experts were all along very doubtful as to the effectiveness of the protective work of this nature. And lastly, Sir, I may point out to the House that after the Government decision materials are being removed to salvage as much of it as is possible. It is therefore impossible to start the work back again after having once decided to abandon it.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister is going into the question of merit. We are now on the question of the admissibility of the motion.

Mr. SPEAKER: May I know when was the decision arrived at?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I wrote to Mr. Bose on the 27th April last saying that the scheme had been abandoned. The date of the Government decision would be prior to that date.

Dr. NALINAKSHA SANYAL: Removal of materials is going on even now.

Mr. SPEAKER: Order, order. Dr. Sanyal, first of all I must be satisfied in my own way. I have allowed you as a special case to make a statement. But surely you might be a little less excited especially when it is not your own motion. Yes, Kazi Sahib, may I know how you came to know of this only yesterday?

Kazi EMDADUL HAQUE: I came to learn from my friend Mr. Jotindranath Chakravarty.

Mr. SPEAKER: The fact that this matter was communicated to the Leader of the Opposition on the 27th April takes away your case. I would have been quite prepared to admit it but unfortunately there has been an extraordinary delay.

Rai HARENDRA NATH CHAUDHURI: The Hon'ble Minister has himself admitted that the salvage work is going on.

Mr. SPEAKER: The abandonment of the project had been decided and the necessary consequences of the abandonment might take six months. That does not make the adjournment motion valid. I want to know when the project was abandoned and whether the people had an opportunity to know it. (Dr. NALINAKSHA SANYAL: No opportunity.) I will make an enquiry. I may say that if it is a fact that the Leader of the Opposition was informed on the 27th of April last——

Dr. NALINAKSHA SANYAL: What about Kazi Sahib?

Mr. SPEAKER: Unfortunately I am not concerned with any individual knowledge. I am only concerned with the question whether there were opportunities for Kazi Sahib or for the local people to know it. Here an important fact was communicated to the Leader of the Opposition as early as 27th April and I would have been quite prepared to admit it if Government decision could not have been known or opportunities were not available for members to know of this decision earlier. It is only on that point that I rule this motion out of order. But in case Kazi Sahib satisfies me later that this decision was not actually known to the people till a few days before, I would be prepared to consider it. But for the time being on the ground that this decision was communicated to the Leader of the Opposition and that official information was available, I hold that the adjournment motion is not in order.

Kazi EMDADUL HAQUE: It is a fact, Sir, that I came to know only the other day, and the people of my locality were expecting information from me. Sir, the matter was not finally——

Mr. SPEAKER: Well, I will enquire from Mr. Bose when he comes.

Rai HARENDRA NATH CHAUDHURI: Sir, how could the information communicated to Mr. Bose dispense with this adjournment motion of Kazi Sahib?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because representations were made through the Leader of the Opposition to Government.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. May I know how it affects the contention of the Kazi Sahib?

Mr. SPEAKER: Mr Rai Chaudhuri, if that is so, the Kazi Sahib is absolutely out of court. Kazi Sahib told me that he got this information from Mr. Jatindra Chakravarty.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I received a wire from the Secretary, Kurigram Town Protection Committee, as late as the 31st March, protesting against Government's decision.

Mr. JATINDRA NATH CHAKRABARTY: I came to learn only two days ago that the programme has been abandoned

Kazi EMDADUL HAQUE: Sir, I told Mr Bose, the Leader of the Opposition, at that time that we were informed that the work had been suspended but would be resumed

Mr. SPEAKER: I will look into the matter myself.

Dr. NALINAKSHA SANYAL: Even then the situation created as a result of that fact is only recent.

Mr. SPEAKER: But the situation might continue for six months. I have been very glad to allow the motion to be tabled, but I am afraid I cannot proceed further

Kazi EMDADUL HAQUE: We approached the Government by memorial and we also approached individually the members of the Coalition Party and we heard that in accordance with the resolution passed at a meeting of the Coalition Party, Maulvi Abdur Rauf was deputed to enquire, and he went there to make an enquiry.

Mr. SPEAKER: I will have a talk with the Leader of the Opposition and I will send for the file, and if I am satisfied that the matter could not be brought by you earlier, I will reconsider it.

Dr. NALINAKSHA SANYAL: Is it not a fact that after the budget sanction was obtained, some members of the Coalition Party pressed in their party meeting to have this abandoned, and as a result thereof the hands of the Hon'ble Minister were tied?

Mr. SPEAKER: I am afraid, that question does not arise.

Message from the Bengal Legislative Council.

The Secretary then read a message received from the Bengal Legislative Council to the effect that the Bengal Legislative Council in their meeting held on the 17th May, 1939, have agreed without any amendments to the Calcutta Municipal Validation Bill, 1939, the Indian Stamp (Bengal Amendment) Bill, 1939, and the Bengal Tenancy (Second Amendment) Bill, 1939.

GOVERNMENT BILL

The Bengal Money-lenders Bill, 1938.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that after clause 2(10) (d) (v), the following sub-clause be inserted, viz.:—

(vi) by a Co-operative Life Insurance Society, a Co-operative Society, Insurance Company, Life Assurance Company, Mutual Insurance Company, Provident Insurance Society or Provident Society, or from a Provident Fund.

Mr. SPEAKER: Is there much difference of opinion in the House as regards the desirability of excluding the whole matter concerning insurance, etc.? If not, I would like to adjourn the House.

Dr. NALINAKSHA SANYAL: Sir, as I have already submitted to you more than once that unless we know in a comprehensive manner the intentions of Government for these discriminatory provisions for exclusion and unless Government is prepared to give us an idea as to what extent they are going to discriminate in favour of certain person or persons, we are not in a position to find out where we stand and apply our mind properly.

Mr. SPEAKER: For the time being, the whole question is the exclusion of Insurance, Provident Fund and Co-operative Societies.

Dr. NALINAKSHA SANYAL: Sir, I have to oppose this motion moved by the Hon'ble Mr. Suhrawardy as much on the ground of principle as on the ground of the practical difficulties that are likely to be met with if such exclusions are permitted. We have more or less indicated the line of approach that the Congress Party is prepared to take in connection with the consideration of various clauses. I would like to make that clearer to-day so that our friends on the Government side might realise how best to carry on their discussions and come to proper decisions in their party meetings.

Sir, credit transactions and loan operations of various types are taking place in the country. There is absolutely no doubt that there have been usurious loans and unconscionable contracts in connection with the money-lending business. We find that so far as the country is concerned, every section of the people cries out for relief in connection with indebtedness. Therefore, Sir, it is the desire of the Congress Party to see that maximum relief may be provided to the suffering and oppressed people of the country. In order to see that the maximum social benefit is secured, we will approach the various sections and sub-sections of the Bill.

Here, Sir, there is a proposition which makes it very difficult for us to acquiesce in the amendment of Government, because we do not know with what end in view Government is going to exclude certain credit institutions. Sir, credit of various kinds can be classified in different forms under different bases. We can, for example, divide credit transactions in accordance with some kinds of territorial division of the place of origin where such transactions take place. There have been friends who have been thinking of excluding Calcutta as against other parts of Bengal. There are also others who are examining various suggestions from the point of view of credit giving institutions. Those friends who have been thinking of scheduled banks, other banks and other credit institutions have been all along approaching the question of credit and loans from the point of view of those institutions from which the loans flow. There are again other amendments and suggestions wherein we find that an attempt is being made to analyse and divide credit transactions in accordance with the persons receiving the loan—the recipients of such loans, as for example when we find the Hon'ble Mr. Suhrawardy himself proposing that agriculturists are to be treated in a separate way from other persons. There is also another approach for analysing the various kinds of credit transactions, i.e., the functional approach. Whether credit that is being issued is or is not going to be used for productive or non-productive purposes—that is the criterion which appeals to us on the Congress side most of all. We want to find out whether the borrower who obtains the money is going to use that money in a manner which will fructify in his hands, whether he will

be in a position to repay both the capital as well as the interest without hardship and also what use he makes of it. This functional division is, I submit, Sir, the most logical division of credit transactions. I would like members of the House to consider whether it will be wise and whether it will be in the interests of the masses and the rural population and in the best interests of society to approach the question —not from the functional basis, not from questions of purpose for which credit is utilized but on the basis of persons or individuals—either those who are obtaining the loans or those who are giving the loans.

I, therefore, submit that if the House is unanimous in its determination to afford adequate relief to the masses or the agricultural population, let us try to find out some agreed solution as to the classes of people and the nature of transactions of those classes of people for which we want relief to be provided for.

I submit, Sir, that the agricultural purposes are the most important objectives for which relief should be granted—not because agriculture is something very different—in matter of production from the point of view of the economist—something different from industry or some other occupation, but because agriculture, as it is pursued in our country to-day, is not in a position to pay even the minimum rate of interest and other charges because the productivity of land has become very, very low. I, therefore, submit, when the Hon'ble the Labour Minister labours under the misapprehension that he should give relief to certain credit associations, he should also think how far through that exemption relief is given to the real agriculturists. Here is a proposition to exclude co-operative credit societies. Is it not a fact —I would like the members of the Coalition Party to ponder over and realise—many of them are intimately connected with co-operative institutions—is it not a fact that in many cases the rigour with which co-operative societies realise interest, the rate that they charge as well as the manner in which they realise interest are something very much oppressive? Is it not a fact that in many cases, where probably on account of certain hardship, private money-lenders would be prepared to wait, the co-operative inspectors do not wait, and co-operative organizations force sales of land of the cultivators where probably private *mahajans* would think twice or where he would have some sympathy at heart? Indeed, co-operative societies have much less sympathy than private *mahajans*. Why then co-operative societies are proposed to be excluded passes my imagination? If it is the intention of Government to give real relief to the agriculturists, there can be absolutely no justification for excluding co-operative societies. The question of rate of interest is the most important question that has got to be considered in connection with the proposal for exclusion of co-operative societies. To-day there are many co-operative societies in Bengal which charge a rate right up to 15 per cent There are some co-operative

banks which charge 18 per cent. (A VOICE FROM THE COALITION BENCHES: Not all.) They may afford relief in some cases, but even then it will leave 12 per cent. as the maximum permissible.

I would like the Hon'ble Minister in charge of the Co-operative Department, who is nodding his head, to look up his files and have definite information—if there is any society in Bengal that is to-day charging less than eight per cent., the rate which is going to be proposed in a later chapter of this Bill.

Then again, Sir, it is proposed that insurance companies should be excluded. I quite realise the sympathy of the Coalition Party towards insurance companies, because probably there are some important and influential members of the Cabinet who may be interested in such organizations. (Laughter.) If insurance companies are to be excluded, may I know what prevents the insurance companies from going up to the rural areas and advancing loans there? Would they be exempted if they charge 9, 10 or even 15 per cent. from the agricultural debtors? Would they not commit the same kind of usurious transactions if they try to follow the *kabuliwalla's* method in the rural areas for exacting money through their own agents, who may be sometimes as bad as the *kabuliwallas* themselves. Let us approach the question, therefore, not from the point of view of institutions that may act in this way. I am sure that the Hon'ble Mr. Suhrawardy in his reply will raise the question as to what percentage of the resources of insurance companies go to the rural areas and are invested there. In anticipation of that question, I am giving him an answer straightaway. I know of an insurance company that has invested money in landed properties. I know of another insurance company that has invested money in tea-gardens, and though they originally lent money to zemindars, they have now become zemindars themselves. I know of another insurance company—these are questions of fact—I am debarred from naming them because I do not want to injure the companies—I know of another insurance company that had advanced—not in Bengal but in Assam—a sum of money to an Hon'ble Minister—not of the present Government but of a former Government—for obtaining a contract for a certain firm, and that too without any security. There are also insurance companies, the bosses of which can manage, through handling the funds that they have in possession, to get a great amount of power yielded, because they have the freedom to invest as they like. I know that under the provisions of the new Insurance Act there will be some limitations within which insurance companies will have to function, but even then there will be considerable freedom; within the fifty per cent. permissible margin they will be able to invest money for shorter periods in any manner they like without the slightest restriction, so far as those periods are concerned. (Mr. FAZLUR RAHMAN: Agricultural loans?) Yes, even agricultural loans. (Mr. FAZLUR RAHMAN: Have you got any instance.

of that?) If loans to zemindars who under the Agricultural Debtors Act are capable of being termed "agriculturists" are regarded as agricultural loans, then certainly not one but half a dozen companies in Bengal make such investments. (MR. FAZLUR RAHMAN: That is the weak point!)

So far as the past loans are concerned, Sir, that is the position. Now, so far as future loans are concerned, there is nothing, if you now permit insurance companies to go out of the Act, to prevent them in future from starting small branches for investment in rural areas. They have, as you know, a number of offices all over the province, they have chief agencies; they have a number of branch offices. So, there is nothing to prevent them from carrying on agricultural credit operations with the same kind of objectionable features for which we are trying to restrict small banks—the loan offices in particular and also other private money-lenders

Sir, it has been proposed that provident societies should be excluded. I am sure the Hon'ble Mr. Suhrawardy, if not anybody else, knows the way in which provident societies are run in Bengal. It is common knowledge that there have been started any number of such provident societies, the improvidence of which passes all imagination! They are run on most unscientific lines, and they have dodged the law very well. There have been complaints made to Government, and a specific enquiry in that connection was started sometime ago.

Knowing all that, if Government is anxious to provide some kind of safety, some kind of exclusion for such credit institutions, there must be some weighty reasons behind that. What are these weighty reasons? Let us know these weighty reasons before we are made to agree to have any arrangements for excluding particular credit organisation or organisations from out of the purview of this Bill. It may be argued that those companies—those well-regulated companies—have their own system of accounting, have their regular book-keeping and there need not be any registration or licensing, and they may as well be excluded from the operation of certain chapters of the Act; they may, for example, be excluded from the operation of Chapters III and IV; but why they should be excluded from the operation of Chapter VI—that is the chapter relating to the rate of interest, as also from the operation of Chapter VII about penalties and miscellaneous, passes my comprehension.

I find, the Hon'ble Mr. Suhrawardy has also suggested about Mutual Insurance Societies. Probably the Hon'ble Mr Suhrawardy does not know that there is at least one Mutual Insurance Society in Bengal—I am not talking of any other part because that would not be relevant—that has got extensive investments in small amounts to private persons who borrow at very high rates The company takes the risk

and just have the high rate. There is also nothing to prevent a number of persons from starting a Mutual Insurance Society and thereby getting out of the purview of the law, by simply declaring themselves an organisation for Mutual Insurance Society, and having all the privileges which even all the banks have not been allowed. If the Government think that certain credit institutions ought to be precluded, the best course for them would have been, as the Government of Bihar had done, to take a power—a plenary power. (The Hon'ble Mr. H. S. SUHRAWARDY: Will you give it to us?) It would have been more logical for them to have the power to notify any other credit organisations as Government might feel justified, but, even then it would not have been so bad as proposed here, because that also would not be permitted by the House, I am sure, if it was merely going to be operative at the sweet will or the whims of Government. There certainly would be some regulation, some restriction, some kind of technical and expert advice. Provided that course was adopted and if that were done, there would be no reason. (Mr. FAZLUR RAHMAN: What about Bihar?) The Bihar Act says that the "Provincial Government may by notification, for any special reason or reasons to be stated in such notification, exempt any money-lender or class of money-lenders or any class of loans in the whole or any part of the Province of Bihar from the operation of all or any of the provisions of the Act." The power given is to be exercised for definite reasons to be stated. There is thus a definite restriction on any whimsical activity on the part of Government. If Government really meant that there should be some power—some residuary power—in the hands of Government left to enable them to consider hard cases in future, that would be the only logical Course. Whether that would be acceptable to the Coalition Party or not, I do not know. Probably, the Coalition Party does not trust their own Government as much as the other parties do; probably they do not want to leave matters in the hands of their own Ministers. But be that as it may, it is only fair and logical that there should be no discrimination made amongst the institutions of credit, but there may be arrangements made to have certain classes of transactions excluded if these transactions are found to be such as require special treatment.

Mr. DHIRENDRA NATH DATTA: Sir, I shall be very brief, but I want to put one question to the Hon'ble Minister. Does the Government think that the piece of legislation which they have introduced will inure to the benefit of the people or it will be harmful to the interests of the people? From the manner in which this Bill is being conducted, it seems, Government want to exclude all credit institutions from the operation of the law. They probably think in their heart of hearts that if these credit institutions come within the purview of the law, it would be harmful to the interests of the people at large. If

the Government feel like that, there cannot be any reason for introducing this piece of legislation. But, we on this side feel that, as a matter of fact, there was necessity for a legislation like this and it will not be harmful to the interests of the people, rather, it will be beneficial to the interests of the people. Does the Government think that in future transactions, the co-operative credit societies should not be controlled by the limit that has been imposed under section 28 of this Act? Does Government think that in future transactions, co-operative credit societies should charge interest at a rate higher than 10 per cent. upon unsecured loans and 8 per cent. upon secured loans. We know that, as a matter of fact, co-operative credit societies are charging interest at 18 per cent., and, over and above that, they are also charging compound rate of interest. We also know that the maximum rate of interest charged by co-operative credit societies now is 12 per cent. with a stipulation to pay compound interest if there is any breach of the agreement. So there is no reason why co-operative credit societies should not be controlled by section 28 of this Act. As a matter of fact, Government seem to have no intention of doing any good to the rural population of the country. My friend, Dr. Sanyal, has said that agriculturists should get relief first of all, because they are the real producers of wealth and we are the consumers of wealth, and the producers of wealth must first be protected. But if co-operative credit societies are excluded from the operation of the Bill, the real producers of wealth—the agriculturists—would not get any relief either in the shape of scaling down their debts with regard to past transactions or in the shape of reducing rates of interest regarding future transactions.

In this connection, I may also point out that co-operative credit societies have not practically come within the purview of the Agricultural Debtors Act. They are excluded from the operation of the Agricultural Debtors Act in the sense that when the amount of an award has to be determined, it is determined with the advice of the Registrar of Co-operative Societies. So, by the passing of the Agricultural Debtors Act, agriculturists who borrow money from co-operative credit societies are not getting any relief, and if this amendment of the Hon'ble Mr. Suhrawardy be passed into law, that is, if the co-operative credit societies are excluded from the operation of this Bill, agriculturists would not get any relief by the passing of this Act also; that is, in the case of co-operative credit societies, the rates of interest will not be regulated in future transactions and debts will not be scaled down with regard to past transactions.

The present Ministry often talk that they are for the masses but what do we find in practice? It is a well-known fact and members of the Coalition Party can speak from their own experience and can confirm me that people in the rural areas are groaning under the oppression of the co-operative credit societies. It is a well-known fact and the

members of the Coalition Group will also admit it. It is beyond my comprehension how the members of the Coalition Party can support the Government when they say that the co-operative societies should be excluded from the operation of this Bill. With these few words, I oppose the motion that has been moved.

Maulvi ABDUL BARI: It is not necessary to speak on this subject in order to influence the decision of this House in favour of the amendment.

Mr. SAHEDALI: Is the honourable member speaking on behalf of the Select Committee?

Maulvi ABDUL BARI: No.

Maulvi ABU HOSSAIN SARKER: It is due to a somersault?

Maulvi ABDUL BARI: Certainly not, you are wrong. If you look to the note of dissent, you will find that I opposed it. I said very clearly that the co-operative societies and insurance companies should be excluded from the operation of this Bill. I have got my own amendment too. It is not I but Dr. Sanyal who is playing somersault.

I was just telling you that it was not necessary to speak on this subject in order to influence the decision of the House, because the decision is a foregone one. We know what the decision of the House will be, because we are on the side of reason and wisdom. It is necessary to speak in order to raise the standard of debate. It is necessary to speak in order to allow the outside world to know how the proceedings are going on. We do not want that there should be an *ex parte* debate or *ex parte* view. We want the views of the other side also, viz., the saner side of the House. In matters political——

Mr. I. D. JALAN: Is my friend speaking for the purpose of this House or for the outside world?

Maulvi ABDUL BARI: For all. In matters political certainly people to gain their own ends will either speak for or against a proposal. When we are going to legislate on important matters, I think it ought to be the duty of every member, of every party, to see that when a bill comes out of the anvil of the legislature, it does credit to the Bengal Legislature and to the whole province of Bengal. If anybody tries to introduce party politics in the matter of legislation, certainly he will be doing the greatest wrong to his own province, if not to his conscience. Therefore, I think, in trying to impede the progress of this Bill and in trying to introduce such matters which are calculated to be detrimental to the best interests of the masses, certainly

the members of the opposition are trying to put a clog to it, they are not doing justice to the masses. Much has been said against the co-operative societies and I think it is my duty to say something with regard to them, because I myself am a co-operator. (Dr. NALINAKSHA SANYAL: Always.) I will tell you the reasons why I am so. I do not think I am doing justice to the opposition, although Dr. Sanyal and Mr. Dhirendra Nath Dutta spoke against the exclusion, if I do not say that some of the members of the Congress are in favour of the exclusion of the co-operative societies and insurance companies and certain other things which have been brought in by way of amendments by the Hon'ble Mr. Suhrawardy. The act which the Hon'ble Mr. Suhrawardy has done is an act of wisdom and I will give my reasons gradually as to why the Coalition Party has accepted the amendment, viz., that the co-operative societies and the insurance companies should be excluded from the operation of this Act. If I remember aright, in the Select Committee meeting, Dr. Nalinaksha Sanyal——

Dr. NALINAKSHA SANYAL: Is the honourable member in order in referring to what happened in the Select Committee?

Maulvi ABDUL BARI: The report of the Select Committee is before us and that is a public document; everyone is in possession of it. Even from that one would see that Dr Nalinaksha Sanyal has renounced his own position and has taken up a new position. I may tell Dr. Sanyal that he is following the lead of his Chief, namely, the Chief not of this House, but the Chief of the Congress—Mr. Gandhi. So far as the Rajkot decision is concerned, Mr. Gandhi gave a decision which was contrary to what he said later on. He said "I renounce the decision which I gave because I find that it was full of *himsa* and not *ahimsa* as was stated by me before.

(A VOICE: Is he in order in referring to Mr. Gandhi?)

I was just trying to compare the position of Dr. Sanyal with that of Mr. Gandhi.

Some of my friends of the Krishak Proja Party on that side were telling me even to-day that we were doing some grave injustice and they were taunting me for being a party to the exclusion of the co-operative societies. I may tell them that we are not being dictated by anybody but we are dictated by our conscience. If you would wait and listen to me for a few minutes, I will give you the reasons. I will not speak of any reason which is devoid of reason or any sense. I do not want to create any sentiment or passion in you, but I want to carry conviction into your heart regarding the desirability and wisdom of the amendment that has been moved by the Hon'ble Mr. Suhrawardy.

So far as the co-operative societies are concerned, it is well-known to all of us that they were brought into operation and flourished in the province of Bengal in order to give relief to the masses who were suffering from oppressive interest charged by the private money-lenders. That was the origin, that was the basis and the genesis of the co-operative movement in Bengal. Of course it is true that nowadays this movement has to some extent degenerated, but there is an attempt, a genuine attempt, a very serious attempt on the part of Government as will be evidenced from the introduction of the Co-operative Societies Amendment Bill which is now before the Select Committee to bring the societies into a line which will be useful to the people of this province. It is well-known that before the introduction of the co-operative societies, the private money-lenders used to exact 50 per cent. interest from the rural population, but when the Co-operative Societies Act came into operation, and the movement was agog in the whole of the province, the rate of interest of the private money-lenders was also lowered because they wanted to compete with the co-operative movement, because they felt that if they were to carry on their money-lending business, they must bring down the rate of interest. Otherwise the co-operative society will drive the private money-lenders out of the market. There you will find the utility of the co-operative movement. Even now so far as the co-operative societies are concerned, the rate of interest that was prevalent (namely, 15 per cent.) has gradually come down and to-day we are charging not more than 9 per cent. in some of the co-operative societies.

Dr. NALINAKSHA SANYAL: Not in rural areas.

Maulvi ABDUL BARI: You will have to see how the co-operative societies are running and now if we are going to charge 8 and 10 per cent. interest even for co-operative societies, they cannot run at all, because they are not like a private money-lender who has not got to spend anything at all on establishment. The co-operative societies have got to spend a lot of money on their establishments: for their upkeep, they have to maintain officers, clerks, supervisors and peons.

Dr. NALINAKSHA SANYAL: That is why the poor agriculturist will have to pay more.

Maulvi ABDUL BARI: You will have to see that the co-operative societies get money from people who are going to deposit their money with them. The co-operative societies have got to see that they pay the depositors as well as are in a position to meet the charges of administration. You will find that co-operative societies in the present circumstances give 8 or 10 per cent. If you are really the genuine friends of the masses, which I believe and I declare from your utterances you are not,

then I must say that you should allow some sort of credit to exist in the country. By trying to include banks in the operation of the Bill and by trying to bring in insurance companies and everything you are really trying to dry up the sources of credit. It is well known that the agriculturists of Bengal, as they stand at present, cannot do without any credit. They have to find out money from whatever source it may come. If to-day you do not allow them facilities to borrow money, you will have to allow them to go out and commit dacoities, robberies and thefts for the purpose of getting money even for their cultivation, if not for anything else. Sir, we know very well that the last flood has taught us this lesson when no capital was forthcoming. Ask your conscience, ask your brethren in the muffasil, and you will find that the present Debt Settlement Board itself has told to some extent on muffasil credit. Even the muffasil *mahajans* are not going to advance any money to the debtors and to the agriculturists, because they think that these people after taking the money will run to the Debt Settlement Board. After the passing of the Money-lenders Bill, if all the sources of credit get dried up (that will be the result if the co-operative societies, insurance companies and banks are brought within the scope of the Bill), where will these people find money? This is the cultivating season. Supposing for example I had a pair of bullocks and one is dead. I have to buy another at a cost of Rs. 25. Otherwise I won't be able to cultivate my land. Where shall I go for it? The private money-lender will say "I am not going to give you any money because you are going to pay such a low rate of interest." In that case I will have to go to the co-operative bank. Even yesterday, I may inform Dr. Nalinaksha Sanyal, in his own district, in his own town Berhampore where I had been, at least five parties came from the muffasil to me to apply to me for loan from the Berhampore Central Co-operative Bank, and I told them "it is not possible for us to advance money because we are cautiously proceeding, because we do not propose to allow the depositors money to be lost in this way which is being done there". They said that unless they got money their lands would also lie fallow. I would have conceded to the inclusion of co-operative societies and others if Dr. Sanyal could put forward some better scheme in my presence for rehabilitating credit in the muffasil. If Dr. Sanyal could have taken upon himself the responsibility of financing the muffasil people, certainly I would have agreed to the inclusion.

Dr. NALINAKSHA SANYAL: Are the co-operative societies now financing them?

Maulvi ABDUL BARI: They are.

Dr. NALINAKSHA SANYAL: What percentage?—about 1½ per cent.

Maulvi ABDUL BARI: About the oppression mentioned by Dr. Sanyal I think he knows nothing about the working of the co-operative societies in the muffasil. The co-operative society is not a semindar. It is not a *mahajan* and it is not its business to purchase other people's lands. So far as I know at present no co-operative society or no central bank has purchased anybody's lands. Co-operative societies have given long instalments. They have not allowed anybody's lands to be purchased and the interest is also remitted in some cases. Therefore the charge that is levelled against the co-operative society is absolutely baseless, unfounded and malicious. Therefore that problem does not arise. So far as the insurance companies are concerned, I think——

Dr. NALINAKSHA SANYAL: The less said the better.

Maulvi ABDUL BARI: Dr. Sanyal was himself an officer of one of the best insurance companies in Calcutta. As an ex-officer of that company it ought not to lie in his mouth to say that the insurance companies ought to be included in this Act. If Dr. Sanyal had still continued as an officer of that company, I think he would have made a different speech. He would have pleaded for and would have advocated the cause of insurance companies. Because he is no longer connected with that company the tenor of his speech is entirely different. Therefore I say, Sir, that the exclusion of the co-operative societies and insurance companies is well-advised and to the best interests of the country.

Mr. RASIK LAL BISWAS: সভাপতি মহাশয় এই সেদিন যখন আমি কোন সময় থেকে এই আইনের effect দেওয়া হবে সেই সম্বন্ধে amendment move ক'রেছিলাম তখন আমি ব'লেছিলাম, এই আইন সম্পর্কে গভর্ণমেণ্টের মতলব জনসাধারণের দিক দিয়ে বিচার কোরলে দেখা যায় যে বড় সুবিধাজনক নয়। তার প্রমাণ সত্বরেই আমরা পেতে যাচ্ছি এবং গভর্ণমেণ্ট যে amendment এনেছেন তাতে দেখা গেছে তাঁরা আগে Select Committee তে যা ঠিক ক'রেছিলেন তা থেকে তাঁরা scheduled bank, notified bank প্রভৃতি বাদ দেবার ব্যবস্থা কোরে নিয়েছেন। তারপরে দ্বিতীয় amendment এ আজ জানা গেল যে insurance society, co-operative society, provident society ইত্যাদি সমস্তই বাদ দিচ্ছেন। এই রকম ভাবে তাঁরা যখন ঋণদানকারী প্রতিষ্ঠানগুলিকে বাদ দিচ্ছেন তখন আমাদের মনে সন্দেহ আরও বেশী বেড়ে উঠ্‌ছে। এ বিষয়ে গভর্ণমেণ্টের মতলব কি? যদি গভর্ণমেণ্টের মতলব জনসাধারণের বিশেষতঃ দরিদ্র ঋণগ্রস্ত ব্যক্তিদের উপকারের জন্যই হোয়ে থাকে তা'হলে এই যে সমস্ত society যেমন insurance, co-operative প্রভৃতি এবং scheduled bank প্রভৃতিকে আইনের আমল থেকে বাইরে রাখবার যে চেষ্টা কোরছেন তাদের এইরূপ বাইরে রাখবার কারণ কি? তাদের বাইরে রাখলে এই আইনের ফলাফল যে লোকের মধ্যে কি হবে সে বিষয়ে গভর্ণমেণ্টের ভেবে দেখা উচিত। এখন দেখা যাচ্ছে গভর্ণমেণ্টের একমাত্র উদ্দেশ্য হচ্ছে গ্রাম্য মহাজনদের ধ্বংস করা। কিন্তু গ্রাম্য মহাজনদের ধ্বংস ক্ষেত্রে জনসাধারণের উপকারের

কি ব্যবস্থা করা হচ্ছে? এক শ্রেণীকে মেরে তার জায়গায় আর এক শ্রেণীকে বসাবার চেষ্টা গভর্ণমেণ্ট কোচ্ছেন। কিন্তু জনসাধারণের যেসব বিশেষ অসুবিধার কথা— high rate of interest oppression কোরে—অন্যায় কোরে টাকা আদায়ের ব্যবস্থা, টাকা নিয়ে ওয়াশীল না দেওয়া প্রভৃতি সম্বন্ধে তারা কোন ব্যবস্থা কোরছেন না। আজ গ্রাম্য মহাজনেরা টাকা দাদন বন্ধ কোরে দেবে সত্য কিন্তু তার জায়গায় insurance society, scheduled bank, co-operative society দখল কোরবে। যে সমস্ত শাসন ও restriction এর ব্যবস্থা এই আইনে আছে সে গুলি যদি ওদের উপর না থাকে তা'হলে তাঁরা আরও বেশী অত্যাচার কোরবে। গ্রাম্য মহাজনেরা আর যাই হউক তারা মানুষ, দুঃখ দুর্দ্দশায় খাতকেরা যখন পড়ে তারা স্থানে অস্থানে অনেক সাহায্য তাদের কোরে থাকে। কিন্তু এই সমস্ত society বা company ত আর মানুষ নয়? যদিও তারা মানুষের দ্বারা পরিচালিত তারা কতকগুলি নিয়ম কানুন নিয়ে চলে তাদের দয়া নাই মায়া নাই অন্য কোন consideration ই নাই, কেবল কি ভাবে পাওনা টাকা আদায় করা যায় সেইটা দেখে। জনসাধারণ থাক বা যাক, ধ্বংশ হউক বা বেঁচে থাক তাতে তাদের বিন্দু মাত্রও অসুবিধা হবে না যদি তাদের society বা কোম্পানী বেড়ে ওঠে। গভর্ণমেণ্টের যদি এতখানি করারই উদ্দেশ্য ছিল তা'হলে তারা সাধারণ ব্যাঙ্ক যাঁরা নাকি জনসাধারণের কিছু কিছু উপকারও সময় বিশেষে কোরে থাকে তাদের কেন আইনের আমলে এনে জবাই করছেন বুঝতে পারছিনা। সেগুলিকেও এদের মধ্যে টেনে এনে ফেলে দিলেই ঠিক হতো। ওরা ব্যক্তি বিশেষ বা সম্প্রদায় বিশেষের সুবিধার জন্যেই এ রকমটা কোরছেন। দরিদ্র খাতকেদের যে কোন সুবিধা কোরছেন না সেটা তাঁদের কার্য্য কলাপের দ্বারা স্পষ্টই প্রতীয়মান হচ্ছে। গভর্ণমেণ্টের original যা বিল ছিল তাতে তারা এগুলি বাদ দিয়েছিলেন। Select Committee তে দিনের পর দিন এই House এর বিভিন্ন দল হ'তে উপযুক্ত সদস্যেরা এই বিষয় গুলি বিবেচনা কোরেছেন এবং Select Committee তে Coalition দলের মেম্বারেরই সংখ্যা বেশী ছিল। তারা দিনের পর দিন মাসের পর মাস ধীর স্থির ভাবে সব বিবেচনা কোরে যেটা কোরেছেন আজ সেই আইনটার পরিবর্ত্তন কি কারণ থেকে কোরছেন তা আমাদের পক্ষে বোঝা কঠিন। Select Committee তে তাদের এক রকম মনোভাব ছিল এখানে এসে আর এক রকম মনোভাব যখন তারা গ্রহণ কোরেছেন Select Committee তে তাদের ঐরূপ মনোভাব দেখাবার কি কারণ ছিল? এখানে Select Committee র কয়েকজন সত্য বক্তৃতা দিয়েছেন। কিন্তু Select Committee থেকে তাঁদের মত পরিবর্ত্তনের যে কি কারণ ঘটেছে সেটা তাঁরা বলেন নাই। বাইরে যে গুজব রোটেছে সেই গুজবই কি এই মত পরিবর্ত্তনের কারণ? তখন কি তাঁরা বুঝতে পারেন নাই যে তাঁরা যা কোরে যাচ্ছেন, তা দ্বারা দেশের কোন উপকার হবে না বরং অপকার হবে? মহাজনী প্রতিষ্ঠানগুলিকে সাহায্য কোরে খাতকদের মারতে হবে এ বুদ্ধি তাদের দিল কে? কিন্তু আমরা এখন বুঝতে চাই,—সেই Select Committee তে আমাদের মাননীয় মন্ত্রী মহাশয়, যিনি নাকি বিচার বিভাগের কর্ত্তা এবং সমস্ত কার্য্য নাকি যিনি খুব বিচার কোরে করেন, তিনি কেন সেখানে তাঁর বিচার বুদ্ধি লুকিয়ে রেখেছিলেন। তার স্বরূপ কেন সেখানে প্রকাশ করেন নাই? Select Committee হইতে নির্গত বিলটী তিনি যে আকারে উপস্থিত কোরেছিলেন তাতে তিনি কিছুই মন্তব্য পর্য্যন্ত করেন নাই, যদি তাঁর আপত্তি ছিলো যে এ বিল এ আকারে পাশ কোরলে দেশের ক্ষতি হবে,—তাহলে, কেন তিনি সে আপত্তি তখন প্রকাশ করেন নাই। তাঁর মনের মত committee গঠন কোরে তাঁর মনের মতন কাজ অনায়াসেই তিনি করিয়ে নিতে পারতেন। তা না কোরে, দুর্ভিক্ষ ও অনাহারে যে দেশের গরীবেরা নিত্য জর্জ্জরিত, সেই ক্ষুধিত গরীবদের সহস্র সহস্র মুদ্রা Select Committee কোরে অনর্থক খরচ করার কি প্রয়োজন ছিলো? তার কৈফিয়ৎ আজ মন্ত্রীমহাশয়ের কাছে চাই। যদি তাঁরা এর সত্য জবাব কিছু না দিতে পারেন তাহলে বাইরে যে মহাজনদের ও ব্যাঙ্ক ওয়ালাদের চক্রান্তের গুজব চোলেছে—সেইটেই সত্য বলে আমরা ধোরে নেবো। এই হাউসের বাইরে জনসাধারণের নিকট যখনই তাঁরা যাবেন, তখন তাদের প্রত্যেককে তাদের কৃতকর্ম্মের কৈফিয়ৎ

দিতে হবে, এবং তার সময় ও আর বেশী নাই। দুবছর আড়াই বছর পরই সে কৈফিয়ৎ দিতে হবে। এই সমস্ত বিষয় বিচার কোরে আজ আপনাদের মন্তব্য, আপনাদের সিদ্ধান্ত স্থির কোরবেন। বাইরে যেয়ে অনেক জায়গায় বক্তৃতা দিয়ে বলা অতি সহজ যে আমরা দরিদ্র জনসাধারণের সেবার জন্য এখানে এসেছি, একথা মুখে বলা সহজ, কিন্তু কার্য্যতঃ করা তাদের পক্ষে যে অত্যন্ত কঠিন একথা এখন সকলে জানছে। কোয়ালিসন পার্টির অধিকাংশ লোকই লীগ দল ভুক্ত। লীগ পার্টি ভারতের অন্যান্য প্রদেশে বড়লোকদের—ধনী, জমিদার, মহাজন, ও অত্যাচারী ব্যবসায়ীদের স্বার্থের সঙ্গেই নিজেদের যখন identify কোরেছে,—এখানেও তাঁদের অন্য রকম নীতি অবলম্বন করা সম্ভব নয়, এই যদি তাদের যুক্তি হয়, তাহলে সে কথা স্পষ্ট কোরে বোলে নিজেদের স্বরূপ প্রকাশ করেন না কেন? তাহলে জনসাধারণ তাঁদের সম্বন্ধে নিজেরাই বিচার কোরে যে judgment দিতে হয় দিতে পারবে। সাহস থাকে ত চলুন জন সাধারণের রায় এর উপরে লওয়া যাক। আপনারা বুঝতে না দিলেও জন সাধারণ বুঝবে। তারা এখন আর তত অজ্ঞ নয়। আমি বোলতে চাই, এই আইনের আমল থেকে insurance society, co-operative society, provident society প্রভৃতি বাদ দিলে তাতে জনসাধারণের ঘোর অমঙ্গল হবে, কিছু টাকা সংগ্রহ কোরলেই একটা provident society করা যায়, এখন যেখানে সেখানে provident society গঠন কোরে গ্রাম্য মহাজনদের মতন কোরেই তারা যদি টাকা ধার দিতে থাকে তাহলে গ্রামের লোকদের সেখানে দিস্তানো দায় হবে। বর্ত্তমানে যে সকল co-operative society আছে সেখানেই গভর্ণমেণ্টের control তার উপর রয়েছে, এবং জনসাধারণের প্রতিনিধি লইয়াই এই গভর্ণমেণ্ট গঠিত, কিন্তু তৎসত্ত্বেও যে রকম নির্ম্মম ভাবে, নিষ্ঠুরতা সহকারে দরিদ্র জনসাধারণকে নিপীড়ণ কোরে তারা ব্যাঙ্কের টাকা আদায় কোরে থাকে তাদ্বারা এইটেই প্রমান হয় যে insurance কোম্পানী প্রভৃতি, যাদের একমাত্র উদ্দেশ্য হোলো জন সাধারণ বাঁচুক কি মরুক, তা না দেখে কেবল নিজেদের অর্থ বাড়িয়ে তোলা বীভৎসভাবে দরিদ্র জন সাধারণকে অত্যাচার ও শোষণ করবার জন্য তাদিগকে লেলিয়ে দেবার জন্য গভর্ণমেণ্টের এই সংশোধনী প্রস্তাব আনা। সুতরাং এই আইনের বাহিরে থাকতে পেলে তারা যে কি কোরতে থাকবে আশাকরি—সবাই একবার সেটা চিন্তা কোরে দেখবেন। Co-operative society গুলি যে ভাবে টাকা দেশের মধ্যে ছড়ায় এবং তা আদায় করার ব্যবস্থা যে ভাবে করে তা অনেকেরই জানা আছে। কাজেই আমার মতে এগুলিকে এই আইন থেকে বাদ দেওয়া নিতান্ত অন্যায় কাজ হবে। গভর্ণমেণ্টের আইনে এমন কি বিষয় আছে যা নাকি Co-operative society র উপর প্রয়োগ কোরলে জনসাধারণের উপকার হবে না। co-operative society র সুদ কমাইলে এবং রয়ে সয়ে টাকা আদায় করলে সমবায় আন্দোলনের ক্ষতি আদৌ হবে না। Insurance society গুলি দরিদ্র জনসাধারণের কি service দিচ্ছে? Provident society গুলি বা তাদের কি দিচ্ছে যে তাদের উপর অল্প সুদে টাকা ধার দেওয়ার ব্যবস্থা কায়েম হবে না? Maximum limit of interest এর আইনের আমলে কেনই বা তারা আসবে না। আমরা কি বুঝব এই সমস্ত society গুলি এই আইনের আওতা থেকে যাতে বাদ পড়ে আমাদের এই House এর যাঁদের দ্বারা এই আইনটা পাশ হোতে যাচ্ছে তাঁরা এই রকম ব্যবস্থাই কোরেছেন। আমরা কি বুঝব ব্যাঙ্ক ও ইন্সিওরেন্সের সেই সমস্ত লোক যাঁরা মেম্বরদের বাড়ীতে বাড়ীতে canvass কোরছেন তাদের কাছে আত্মসমর্পন কোরে, তাদের কাছে মাথা বন্ধক কি ওদিককার মেম্বরেরা দিচ্ছেন? এ বিষয়ে আর বেশী বলা নিষ্প্রয়োজন। আমি গভর্ণমেণ্টকে সতর্ক কোরতে চাই যে amendment তাঁরা এনেছেন তদ্বারা দেশের জনসাধারণের স্বার্থহানি হবে এবং দেশে একটা revolution তাদ্বারা আসবে। সুতরাং তাদের এই amendment অত্যন্ত আপত্তিজনক ও অশোভন। জন সাধারণের স্বার্থের খাতিরে গভর্ণমেণ্ট যেন ইহা প্রত্যাহার করেন নচেৎ ফল বিষময় হবে।

The House was then adjourned for fifteen minutes.

(After adjournment.)

Mr. SPEAKER: Maulvi Abu Hossain Sarkar.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir,—

Mr. SPEAKER: It was decided beforehand that Mr. Sarkar will now speak. Mr. Sarkar, are you going to speak?

Maulvi ABU HOSSAIN SARKAR: No, Sir, not now. Mr. Shahedali and other gentlemen on this side will speak.

Mr. SPEAKER: Mr. Shahedali.

Mr. SHAHEDALI: Mr. Speaker, Sir, the original Bill was improved upon by the Select Committee and it was placed before the House for consideration and passing. To satisfy the European Group the Hon'ble Labour Minister is determined to undo what the Select Committee wanted to do. He has been labouring hard to convince this House of the futility of inclusion of scheduled banks, notified banks, co-operative societies, and like other institutions. He has submitted a number of amendments to the Bill, which, if accepted, will nullify the objects of the Bill altogether.

Sir, the exclusion of the scheduled and the notified banks from the Money-lenders Bill means the exclusion of 15 per cent. of the debtors. Further, to exclude the co-operative societies means the exclusion of the 75 per cent. of the debtors. Further, it has been provided in this Bill that once there is an award by a debt settlement board the provisions of the Money-lenders Act shall not apply. The Hon'ble Labour Minister has been kind enough to table another amendment to define the term "agriculturist". If that amendment is accepted, then 50 per cent. of the debtors will be again excluded. It now appears that the object of this Bill is to exclude all kinds of debtors from the provisions of this Bill. We cannot congratulate the Hon'ble Minister for that.

Now, there is a net-work of rural co-operative societies throughout the whole of Bengal. Many of the debtors have paid double the principal as interest, and still the societies demand more money for interest —not to speak of the principal amount.

Sir, we hear the Government often speak that the object of these co-operative societies is not money-lending. This may be true so far as theory is concerned, but, in practice, they demand their pound of flesh.

If the Government is really desirous and sanguine to do good to the people, it should come forward first to relieve the indebtedness of Bengal; but instead of that it is excluding all the creditors one by

one,—including the co-operative societies. The reason is best known to the Hon'ble Labour Minister and his colleagues and to the sub-leaders of the Coalition Group.

The conduct of the members of the Select Committee cannot be explained. Mr. Abdul Bari admitted the other day that he had committed a blunder in supporting the cause of the agriculturists at the cost of the middle-class people. Now, he has a number of banker friends which he had not at the time of submitting the report of the Select Committee. But rural Bengal shall neither forgive nor forget this somersault!

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, I oppose the amendment of the Hon'ble Mr. Suhrawardy whereby he wants to exclude from the operation of this Bill many other loan-giving institutions such as co-operative societies, etc.

Sir, I frankly confess that I am looking at this amendment from a point of view quite different from the points of view that have been advanced by the previous speakers.

Sir, the object of this Bill is to control money-lending. But I find that Government have already exempted from the operations of this Bill money-lending by the scheduled banks and other banks which Government may notify hereafter. Now, Sir, by this amendment Government want to exclude the money-lending business of many more credit institutions and Insurance companies of all classes. I submit and as my honourable friend Mr. Shahedali also has pointed out, that if all these institutions are thus taken out of the scope of this Bill, then the purpose of this Bill will be wholly defeated.

Now, Sir, this Bill does not purport to be a measure intended to give immediate relief to the agriculturists. The immediate and urgent relief they require is advances of loans. This Bill has not made any provision by which the money-lenders—whether they are banks or whether they are private parties may be induced to advance money to those who need loans very badly at the present moment. Even the co-operative societies will not lend them money at the present moment—not to speak of banks, including loan offices, or the private money-lenders.

This Bill, however, purports to give relief to the debtors groaning under the existing indebtedness and also to make it compulsory to lend to the borrowers money at a cheaper rate of interest; that object may be served only to a very small extent. But if all the credit institutions are gradually exempted from the operations of this Bill, then that object also will, I am afraid, be frustrated.

Now, Sir, I would draw the attention of the honourable members of this House to one fact—it is that invidious distinction has been made

between banks and banks, and between credit institutions and credit institutions. There is no denying the fact that this invidious distinction will do great harm to society and to the country at large. How? I shall presently explain. If the exclusion of the scheduled banks and of some other banks which Government may be pleased to notify and also of the insurance societies, the co-operative societies and the provident societies means protection, then it will not be wrong on the part of the outside public and also of the banks which are not excluded, to realise that they were not being given protection or, in other words, they will be hurt by the provisions of this Bill. If that be the view taken by the public as well as by those credit institutions which are not exempted from the operation of this Bill, then what will be the result? I am afraid, the non-scheduled banks will meet with great run on everyone of them very soon after this Bill is passed into law. If this Bill is passed into law, the depositing public, with whose money these banks are run, will be led to believe that as these banks have not been given protection as they are not excluded from the provisions of this Bill, these banks will fail to operate. Consequently there will be a run on these banks—the result will be that these banks will collapse in no time.

Then again, Sir, Mr. Bari has argued that there should be some credit institutions in the country to supply credit to the people. If that be the objective of the members of the Coalition Party, may I not expect that they should consider the fact that in the urban area it is these banks—I mean the banks which are not yet scheduled banks—which are mostly responsible for the supply of credit to the people in general and the non-commercial people in particular. If Mr. Bari and his colleagues want any credit institutions to survive then it is these banks. Now, if this Bill is passed into law, with the invidious distinction as made or as proposed to be made by the Hon'ble Mr. Suhrawardy, then there is every likelihood that there would be run on these banks and they would collapse very soon.

Sir, our point of view is this that when this Bill intends to control money-lending—as mentioned in the preamble and the Statement of Objects and Reasons there should be some money-lending to be controlled. Have Government thought about that? What reason can there be to make a distinction between scheduled and non-scheduled banks and to exclude the former from the operations of this Bill? There is no excuse for that. There are also some other institutions which, I find, are going to be excluded by this amendment of the Hon'ble Mr. Suhrawardy, but there is no earthly reason for excluding them either. Then, the turn of the non-scheduled banks also is to come. If Mr. Bari be consistent in his argument, he should say that all the credit institutions including all banks should be excluded; otherwise his argument will be charged with inconsistency. I believe

that Mr. Bari will stick to his argument that the banks, which use money of the public in the shape of small deposits from them at low rate of interest, should not be hurt. If that be the argument of the members of the Coalition Party, I do not find any reason why they should not exclude the non-scheduled banks also. Now, if in this way, all the credit institutions are exempted, then, I think, no credit institutions will be left whose money-lending will be controlled by this Bill.

I would now draw the attention of the House to another aspect of the case. I find the Hon'ble Mr. Suhrawardy has already moved amendments for exclusion not only of the scheduled banks which are mostly European-managed, but also of the banks to be notified at the sweet pleasure of Government and also of the insurance societies, provident societies, and co-operative societies; he will also move another amendment to exclude loans to be advanced for the purchase of lands or for the construction of houses. All these exclusions are being made apparently with the idea that exclusion means protection. Now, if all such loans and all these institutions are excluded from the operation of this Bill, and if the predominantly Hindu-managed non-scheduled banks including loan offices only remain within the provisions of this Bill, will it be unjust on the part of the Hindu public of this province to think that the present Ministry are out to crush the economic strength of the Hindus by crushing these banks—when their inclusion means crushing? I do not believe that the inclusion of all the credit institutions means crushing; on the other hand, I should advocate that all the credit institutions should be under the purview of this Bill. But, if Government makes invidious distinction and excludes all the credit institutions except the small banks and loan offices which are run by the Hindus, then, as has already been propagated in newspapers, the Hindus will have reasons to believe that the present Huq Cabinet is out to crush the economic strength of the Hindus. When the Cabinet will be charged with that motive the Hon'ble Mr. Huq will not be able to meet that charge. So, I submit that lest any communal tinge be given to this Bill, the Hon'ble Mr. Suhrawardy should withdraw his motion and leave all other credit institutions except the scheduled banks in the same category, so that they may be placed on the same footing. This is my argument against the exclusion of these credit institutions and I hope that this argument will have some effect on the members on the opposite side.

Mr. J. N. GUPTA: Sir, I had not the intention of speaking on this occasion, but I find that many of our friends have set forth reasons for opposing the exclusion of co-operative credit societies. Sir, their examination of the subject is perhaps confined to a limited scope. If it is extended to a wider scope, they would find that this system has been

of immense good to workers and labourers. As a trade unionist, what we are anxious is to make provision for the benefit of the workers. The first thing we consider is to start co-operative credit societies in order to solve the financial difficulties of the workers. I know the constituency that I represent—they have got co-operative societies. Since they have organised these societies, they have derived much benefit out of them. I know there have been cases in which had there not been any co-operative credit society, they could not have got their daughters married, they could not perform the *sradh* ceremony, they could not arrange for the education of their children, they could not help their friends who were in difficulties and they could not escape from the clutches of the Kabulis. Some of my friends have spoken about the exorbitant rates of interest charged by co-operative credit societies, but I know there are societies who charge 5 or 6 per cent. interest. If the members desire to bring down the rate of interest, they do it without increasing the rate of dividend. What is the co-operative system? If you examine the history of the country where co-operative movement has flourished you will find that to-day they are controlling the money market; there may be defects where the societies are not properly functioning but they are not the defects of the scheme, but the defects of the persons who have selected the men who are entrusted with the work. I know that the achievements of these societies are so great that now-a-days in every office, in every place, they are seriously considering the necessity of starting co-operative societies to save the workers from the difficulty of borrowing money from private persons at high rates of interest. Therefore, I consider that those members who have criticised the amendment stating that these co-operative societies are doing a lot of mischief have looked to only one side of the picture. If they look to the other side of picture, they will find that really much benefit has been done by these societies. This is the only reason why I cannot but support the amendment.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I had not the least intention of intervening in this debate had it not been for some of the allegations made by my friends—absolutely unfounded and baseless allegations.

Dr. NALINAKSHA SANYAL: May I submit that the Hon'ble Minister in charge of Co-operative Credit should speak later on, because there are some members who want to speak. My friend Mr. Bokainagari wants to speak.

Mr. SPEAKER: I am afraid his name was not given before.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: My friends Dr. Nalinaksha Sanyal, Mr. Rasik Lal Biswas and Mr. Dhirendra Nath Datta have said in an abstract manner that the Co-operative Department is guilty of very great oppression and they charge a very high rate of interest. I would not like to say anything against what has been said by my friends Mr. Rasik Lal Biswas and Mr. Dhirendra Nath Datta for I know that they have no concern whatsoever with any co-operative societies in this province, but I expected Dr. Sanyal as a student of economics to say something more of a definite nature about the co-operative movement existing in this province to-day. These are the allegations that have been levelled against the co-operative movement, and I will try to answer them in a few minutes.

When this movement was introduced in this country about 32 years ago, it cannot be denied that the rate of interest which was used to be charged from the agriculturists (as much as 60 to 70 per cent.) was brought down to 12 to 15 per cent. That is a fact which cannot be denied by any one who has the least pretention of knowing anything about the co-operative societies.

Dr. NALINAKSHA SANYAL: Do you take credit for that?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I shall point out to the House as to how this movement has been functioning in this province. It has been said by my friends Mr. J. N. Gupta as also by Maulvi Abdul Bari who is the Chairman of one of the District Central Banks that some people form themselves on a voluntary basis into a co-operative society and get it registered under the existing Indian Act II of 1912 for the purpose of helping themselves about their immediate needs. They, after they have formed the societies and got them registered as such, borrow money from the Central Banks and after they have done so, they lend the money to the individual members thereof.

So far as the rate of interest is concerned, it depends upon the rate at which the Provincial Bank the apex bank which caters to the financial needs of the co-operative movement in this province, can find money. If it can find money at 3½ per cent. I am sure Dr. Sanyal will not deny that the Central Bank can have this money at 2 per cent. margin; that is to say, the Provincial Co-operative Bank can advance money to the central banks numbering 118 which are functioning in the province to-day, at 5 to 5½ per cent. If that is the position, and if the co-operative central banks can have their money from the Provincial Bank at this rate, they can by keeping just enough to maintain themselves and to keep their establishments in order, furnish the village societies their required money at 7 to 7½ per cent.

Dr. NALINAKSHA SANYAL: Why take such a hypothetical case?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Because you don't know.

Dr. NALINAKSHA SANYAL: Don't play on imagination.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The societies advance to their individual members money at the rate of 8 to 9¾ per cent. At the present moment each individual member is charged at 9¾ per cent. and not more. Therefore, so far as the loud talks of my friends there about the high rates of interest are concerned, I can say that they are absolutely unfounded and they have not been able to cite a single case in which a higher rate of interest was charged.

So far as the co-operative societies are concerned, the matters of their disputes are referred to the arbitrators. They give an award and it is apparent that regard being had to the stringent financial conditions of the village societies, they cannot go to civil courts to have their disputes settled and they depend upon the awards given by the arbitrators, who are appointed for the purpose.

So far as Act II of 1912 is concerned, the societies which are still functioning will have to work on an unlimited basis. The House knows that I have introduced a Bill of a comprehensive character, and we intend to have societies founded on limited liability basis as well. So far as the existing societies are concerned when they are formed on an unlimited liability basis, it is apparent that the members are expected to keep a watch over one another in order to keep them within the bounds of thrift and economy.

In the next place it follows that the creditors and the borrowers are practically the same persons. They borrow from the central banks, and then lend to the individual members and then they realise from them. I ask in all seriousness where the question of oppression arises?

Dr. NALINAKSHA SANYAL: Then why exclude them?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: As regards the question of there being an account, it ought to be a matter of common knowledge to those who have taken an interest in the co-operative credit movement and in co-operative institutions in this province, how they are frequently audited, but it may be a piece of news to my friends who talk so loud,.....(Cries of "eh" and "ooh" "ooh.")

Mr. SPEAKER: I would suggest to both these gentlemen to leave the House and go to the nearest garden available. (Laughter.)

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: .....and therefore the question of furnishing separate accounts or suppressing accounts does not arise.

As regards the question of realisation of licence fee if it is to be done from a number of societies that are functioning to-day—over 20,000 of them in all—at the rate of Rs. 5 per society, it would come to one lakh of rupees and it is very difficult for these rural societies to find this heavy sum. Now I have said—and I won't be justified in taking up the time of the House unnecessarily—that the rate of interest at which the village society member is now paying his liability is never more than 9 to 10 per cent.

Dr. NALINAKSHA SANYAL: Then why is Mr. Bari paying more?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If any further assurance is wanted from me at this stage, I do say here and now that if there is any case where a higher rate of interest is charged and if that case is brought to my notice, I will see that it is not so done. The proposal is to lower the rate wherever possible.

Mr. Dhirendra Nath Datta has said that the Debt Settlement Board where if has been established cannot effectively deal with these debts. I am extremely sorry that he should have been so ignorant of the existing facts. Not only have we got ordinary debt settlement boards which deal with these debts, but we have also established special boards in connection with each Central Bank in the province, so that the debts of these co-operative society members might be more speedily dealt with. I may tell my friend Mr. Rasik Lal Biswas that when the debts are brought before these Boards, they are brought down within the paying capacity of individual debtors and the whole amount is spread over a number of years in instalments, and is made a part of the award. The question whether it would depend upon the consent of the Registrar does not arise. It is no doubt true that section 31 of this Act indicates that the final award depends upon the sanction of the responsible officer of the department, but since we have got a special Board established for each Central Bank, of which the Chairman is the Co-operative Officer attached to that Bank, the question of consent does no more arise. Therefore, the position is that these Boards have been bringing down the debts within the paying capacity of the debtors and spreading them over a certain number of years. I submit, therefore, that the allegations which have been made are absolutely unfounded and made without any knowledge of the working of these co-operative societies. (Dr. NALINAKSHA SANYAL: Why do you exclude these co-operative societies then?) If there is any source from which the agriculturists in the interior can expect to have credit to meet their ordinary demands, it is the co-operative societies and I maintain this

because of the fact that this year the co-operative societies have been catering to the financial needs of our agriculturists inasmuch as the Provincial Bank has lent out several lakhs of rupees to the Central Banks to meet the crop loan demands of the agriculturists. With these words, Sir, I would support the motion of my friend, the Hon'ble Mr. Suhrawardy. I don't like to add anything more except that the allegations of my friends to my left are absolutely without any foundation.

Maulvi ABDUL WAHED: মাননীয় সভাপতি মহোদয়, আমি আজ ২২ বৎসর যাবৎ কো-অপারেটিভ্ ব্যাঙ্কের খাতক হিসাবে আছি। কো-অপারেটিভ্ ব্যাঙ্ক জনসাধারণকে কি সুখ দুঃখ দেয় আমি তা বিশেষভাবেই জানি। আমি প্রথমে বোলতে চাই যে আমাদের পাড়াগাঁয়ে রাখাল ছেলেরা খেলবার সময় ছড়ায় একটা কথা বলে, সেইটা যেন আজ সত্য হ'তে চ'লেছে। সে ছড়াটা হোচ্ছে এই যে "চিংড়ি (ইঁচা) মাছের ঘাড়ে তেল, কাটতে ধুইতে সবই গেল।" এই যে মাণি লেণ্ডিং (মহাজনী) বিল, চিংড়ি মাছের মত মোটা তাজা করে আনা হইয়াছিল কিন্তু, আজকে দেখি কাটতে ছাটতে ধুইতে সবই যাইতেছে। আজকে এই আইনের আওতা থেকে বড় বড় ব্যাংগুলিকে বাদ দেওয়া হোচ্ছে, এবং ছোট ছোট যে কয়টী ব্যাং র'য়েছে বা সাধারণ খাতকদের মহাজন যারা তারা এই পন্থা অবলম্বন কোরচে—যে কেউ বা বড় বড় ব্যাঙ্কের সঙ্গে যুক্ত হবে, কেউ বা দলিল ও ডিক্রিগুলি বড় ব্যাঙ্কের কাছে বিক্রয় কোরবে। আর তার ফলস্বরূপ দেশের জনসাধারণ ভিটে মাটি শূণ্য হোয়ে আসামের বনে জঙ্গলে বিতাড়িত হবে। আমরা বরাবরই দেখতে পেয়ে থাকি যে যখনই গভর্ণমেণ্টের তরফ থেকে কোন আইনের খসরা উপস্থিত করা হয় সেটাকে প্রথম ১২ ইঞ্চি কোরে তোলা হয়, পরে ১১ জন মিনিষ্টারে মিলে এক ইঞ্চি কোরে কেটে কেটে শেষটায় মাত্র এক ইঞ্চিই দেশের কোটী কোটী লোকের জন্য থাকে। আমি বোলতে চাই, কো-অপারেটিভ্ এবং অন্যান্য যে ব্যাঙ্কগুলি বাদ দেওয়া হয়েছে, সেগুলি বাদ দেওয়ার ফলে অবস্থা এই দাঁড়াবে যে গরীব জনসাধারণকে এদেশে আর থাকতে দেওয়া হবে না। আমার বন্ধুগণ যাঁরা সিলেক্ট কমিটিতে ছিলেন, তাঁরা যখন সিলেক্ট কমিটিতে ছিলেন, তখন তাঁদের এক সুর ছিলো, আজকে দেখছি তাঁরা মত পরিবর্ত্তন কোরে উল্টো রাগিনী ধোরেছেন। আমার কোয়ালিশনের বন্ধু যাঁরা সিলেক্ট কমিটিতে ছিলেন তাঁদের বুদ্ধি পূর্ব্বে লুকানো ছিল, এখন বুদ্ধির গোড়ায় ছালাভরা সার পড়েছে তাই আজ বুদ্ধি তাজা হয়েছে, কাজেই সিলেক্ট কমিটিতে এক কথা বোলেছেন, আর আজকে নূতন রাগিনী ধোরেছেন। আজ আমার বন্ধু গোলাম সারোয়ার সাহেব কোথায়? আমার বন্ধু কবি মোজাম্মেল হক্ সাহেবের সে জনসাধারণের প্রেমের রাগিনী আজ কোথায়? কোটী কোটী গরীব মুসলমান ও বাংলার জনসাধারণের মাথায় কোড়াল মারা হতেছে। আজ তাঁদের মুখ বন্ধ কেন? ইসলাম বিপন্নের জিগির নাই কেন? কো-অপারেটিভ্ ব্যাঙ্কের খাতক হিসাবে ২২ বৎসরের অভিজ্ঞতায় আমি জানি যে কো-অপারেটিভের উদ্দেশ্যই হোচ্ছে যে কোন রকমে হোক তাদের পাওনা আদায় করা। অনেকে বোলেছেন যে কো-অপারেটিভ্ তো আর জমিদার বা মহাজন নয়, আমি বলি তা অবশ্য নয়, কিন্তু তাদের চেয়েও খারাপ, তাদের চেয়েও কো-অপারেটিভ্ অত্যাচারী এবং নিষ্পেশনকারী। আমি জানি, কো-অপারেটিভ্ ব্যাঙ্কের টাকা আদায় করবার জন্য লোকের উপর গুর্খা পুলিশ দ্বারা অত্যাচার করা হয়েছে। কো-অপারেটিভের টাকা আদায় করবার জন্য লোককে গলা জলে ডুবিয়ে রাখা হয়েছে। আমি জানি কো-অপারেটিভের টাকা আদায় করবার পদ্ধতি সম্বন্ধে কিরূপ নিষ্ঠুর প্রথা অবলম্বন করা হইয়া থাকে। বিশেষ কোরে ময়মনসিংহের সেণ্ট্রাল ব্যাঙ্কের অভিজ্ঞতা থেকে আমি বোলছি। ময়মনসিংহে যখন দারুণ দুর্ভিক্ষ হয়েছিলো, যখন খাতকেরা অপারগ হোয়ে টাকা দিতে পারে নাই, সেই সময় ময়মনসিংহের

সেণ্ট্রাল ব্যাঙ্কের টাকা আদায় করবার জন্য ইজরাইল্ নামক একজন ইউরেশিয়ান সাহেবকে নিযুক্ত করা হয়েছিলো। গরীব খাতকদের হারশিট্ এবং অত্যাচার কোরতে তিনি ছিলেন খুব পটু সেই জন্য ইজরাইল না বোলে তাকে আমি "আজেরাইল" বা যম বোলেছি। সে সাহেবকে যখন নিযুক্ত করা হয় তখন আমরা, খাতকেরা, ঘোর প্রতিবাদ কোরেছিলাম। কিন্তু তা কেউ শুনে নাই। তাকে নিযুক্ত করার এক বছর দেড় বছর পরেই দেখা গেল,—টাকা যা সামান্য কিছু আদায় কোরেছিলো তার ভিতর থেকে বেতন ছাড়াই চার হাজার টাকা নিয়ে সে পালিয়ে গেছে। কো-অপারেটিভ্ বিভাগ থেকে খাতকদের উপর যে রকম অত্যাচার হোয়ে থাকে, তাতে আমার বিশ্বাস এখানে যদি কো-অপারেটিভের খাতক কেউ থাকেন তাহলে তিনি কিছুতেই ঐ সমস্ত ব্যাঙ্ককে এই আইনের আওতা থেকে বাদ দিতে রাজি হবেন না। আমি জানি যাঁরা নাকি কো-অপারেটিভ্ সোসাইটী এবং অপর কতকগুলি ব্যাঙ্ককে এই আইনের অধিকারের বহির্ভূত রাখতে চান, আমি জানি তাঁহাদের ইহা করার একটা উদ্দেশ্য আছে। তাঁরা যে হালায় হালায় টাকা পাচ্ছেন সে গুলিতো তাঁরা ব্যাঙ্কে রাখছেন। সে টাকা জনসাধারণ কর্জ কোরবে, আর কড়ায় গণ্ডায় তাদের কাছ থেকে সুদও আদায় হবে। আর আমার কোয়ালিশনি বন্ধুরা মাসে মাসে ব্যাঙ্কে আমানতি টাকার সুদটা তুলে নিয়ে ছেলেপেলে নিয়ে সুখে খাবেন। কিন্তু আমি তাদের সাবধান কোরে দিচ্ছি যে, জনসাধারণ এখন আর ঘুমে নাই; আবারো শীঘ্রই জনসাধারণের কাছে যেতে হবে। এই চন্দ্রবদন, সোণার মুখ আবার তাদের সাম্নে দেখাতে হবে। ভোটের জন্য তাদের কাছেই যেতে হবে। আবার যখন ভোটের জন্য যাবেন তখন তারা ভোটের বদলে ঝাঁটা মেরে বিদায় কোরে দেবে।

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, after the speech of the Hon'ble Minister in charge of the Co-operative Department it is not necessary for me to say anything in justification of my amendment. But we have listened to a loud speech by the honourable member who glories in the name of Bokainagari, justifying the name of the city from which he hails. It has not been possible undoubtedly for him to appreciate the amendment that I have tabled in regard to section 26; otherwise he would not have stated that scheduled banks having been excluded it is open to private creditors to sell their debts to the banks and get them realised through the banks. I hope that by the time the Bill finishes he will have appreciated the significance of that amendment. From his speech it is apparent to every one in this House that he is a debtor of the co-operative society—a debtor who is anxious not to pay his debts. The purpose of this Bill, let me tell my friends on the other side, is not to help persons who desire to escape from their just liabilities but it is to help persons who are poor, who are distressed and who need relief, not to help persons who want to take advantage of legislation for the purpose of feeding fat their non-payment mentality——(Mr. NIHARENDU DUTTA MAZUMDAR: Look at your own colleagues)——

I will now come to Dr. Nalinaksha Sanyal. I really do not know in what capacity Dr. Sanyal speaks on the floor of this House. I could have understood his speech, had he been following the profession of a lawyer, namely, that with equal facility he can speak on both sides of a question.

Now, Dr. Sanyal to-day has spoken about some insurance companies and mutual insurance companies and has, in rather vague terms, given examples of their petty dealings. Dr. Sanyal's view to-day is that we should not exclude institutions but consider the exclusion from the point of view of the debtor. He, therefore, objects to the exclusion of this institution. But now this is what Dr. Sanyal says in his Minute of Dissent to the Bill: "The dealings of Joint Stock Banks, Insurance Companies, Building Societies, etc., and all Registered Corporations have been subjected to the same restrictive conditions as those of village money-lenders." This Minute of Dissent has been written from the point of view that the Select Committee has erred in not excluding them from the purview of the Bill. "If the Bill in its present form is passed into law", continues Dr. Sanyal, "the development of sound banking in the country will be seriously jeopardised and probably the structure of the entire money market will be shattered; and those in need of credit for industrial, commercial and agricultural pursuits will be the greatest sufferers." And this Dr. Sanyal to-day tells us that by the exclusion of banks, insurance companies, and similar other institutions——(Dr. NALINAKSHA SANYAL: Don't misquote me) (loud noise from the Coalition Group and cries of "No interruption, please")——

Dr. Sanyal has not been able to cite a single instance of an insurance company lending money to agriculturists at unconscionable or conscionable rates and consequently all his remarks are of little avail. But I am glad that Dr. Sanyal has brought to the notice of this House a very curious provision contained in the Bihar Money-lenders' Bill by which that Legislature has given complete powers to the Provincial Government by notification to suspend any money-lender or class of money-lenders, any class or classes of loans, or the whole of the Act or any part of the Act. Dr. Sanyal suggests that this Government should also have taken such powers unto itself, and then it would not have been necessary for us to move these various amendments. I am perfectly certain that if we were to ask for such powers, Dr. Sanyal and his whole party would have gone up in flames. But let me tell them that we do not want such powers. We do not think that the provision of these powers in the Bihar Money-lenders' Act will do good to the Act itself or to its administration. Undoubtedly these powers have been taken by the Provincial Government, because the Provincial Government does not feel itself satisfied that that Bill is going to do good. The Provincial Government of Bihar is not certain that the Bill which it has put through the Legislature at the instance of its members may not have to be suspended or withdrawn, and consequently it has taken these powers. We are more sure of our Bill than they. I may tell him that we do not want those powers. We are certain of our position, we know what we are going to do, we have got some foresight and we come with clean hands before the Assembly and tell them that this is how we should proceed in order that credit institutions may be conducted properly.

Now, Sir, I come back to co-operative societies for a moment. It is merely to reply to an interjection which has come from several members of the other side that if co-operative societies are not proving any evil to the people, why not include them within the purview of this Act. That is not the way in which this Act should be considered. This Act is a restrictive Act and it contains certain clauses which hamper and restrict the payment of money. Now, we should look at them from this point of view—not why not include them, but what is your justification for including them? Suppose there is an angel who has done no harm to any body—would you say that inasmuch that angel does not do any harm, why not include that angel within the purview of this Act. That is not the point of view that we have got to consider. We are here making provision in order to curb the rapacity of those money-lenders and those institutions which have done harm to the people; and we have got to look at it from this point of view that only such institutions and persons shall be included within the purview of this Act whose activities have got to be restricted. I must state here that co-operative societies are governed by the Co-operative Societies Act, and if these societies do not operate properly, we can govern them by amending that Act. If still these co-operative societies do not function as they ought to, well, we have the Bill before us and there is always room for amendments.

Dr. NALINAKSHA SANYAL: On a point of personal explanation, Sir. I have been misquoted——

Mr. SPEAKER: I cannot allow that, Dr. Sanyal, for if I allow it, then I will have to give an opportunity to the other side also to explain that it is not a misquotation.

Dr. NALINAKSHA SANYAL: He has quoted me partly and left out the rest.

Mr. SPEAKER: It is quite possible.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, the amendment proposed by my honourable colleague Mr. Suhrawardy is not a new thing. He has simply put in all those points which were actually rejected by the majority of the members of the Select Committee. (Mr. SURENDRA NATH BISWAS: By your casting vote.) The Select Committee decided the matter in one way over which the Government had no control, and when the Select Committee decided the question in a wrong way, I remarked that, as the Select Committee had omitted a lot of important provisions which we wanted to have incorporated in the Act, I reserved my right of withdrawing the Bill

if those points which were in the Bill could not be reconsidered in the House itself. (Mr. SURENDRA NATH BISWAS: Then why did you give your casting vote for including them in the Bill?)

Now, Sir, an attempt is being made by the Hon'ble Mr. Suhrawardy to put in those provisions which were omitted by the Select Commiittee (MAULVI ABU HOSSAIN SARKAR: Then you are overthrown!) and I submit, Sir, that if the whole House throws out these provisions, then the next thing that I should do is to withdraw the Bill. But as I find that the House as a whole is now of a different opinion and has changed its mind and is supporting the Government amendments one after another by overwhelming majorities, there is no more reason for me to contemplate the withdrawal of the Bill, and I trust that the Bill will be passed in the shape in which it was referred to the Select Committee. The difference between the Select Committee and the House is that in the Select Committee the European Group was represented only by two members, whereas in this House they are represented by as many as 25 to 30 members, all anxious to vote in favour of Government's proposals. (Babu KSHETRA NATH SINGHA: One is sufficient for all!) (*sic.*) Further, Sir, there are members of the Coalition Group, who also feel that the Government's proposals put forward in the form of amendments should be carried *in toto*. The supporters of Government in the Coalition Group have also swelled, as in the case of the Europeans. So, the swelling of these two groups has made it abundantly clear that Government's proposals will be accepted by an overwhelming majority and that is the reason why I have abandoned the idea of withdrawing the Bill

I hope, Sir, there will be no difficulty in putting this measure on the statute-book and making it the law of the land.

With these few words, Sir, I support the amendment of my friend, the Hon'ble Mr. Suhrawardy.

The motion that after sub-clause (*i*) of clause 2 (*10*) (*d*), the following sub-clause be inserted, namely:—

> "(*ii*) by a Co-operative Life Insurance Society, Co-operative Society, Insurance Company, Life Assurance Company, Mutual Insurance Company, Provident Insurance Society or Provident Society, or from a Provident Fund"

was then put and a division taken with the following results:—

AYES—106.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mia.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdulla-al Mahmood, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rahood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.

Abdar Rauf, Mr. Shah.
Abdus Shahed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Qasem, Maulvi.
Aftab Hossain Jeardar, Maulvi.
Ahmed Ali Emaretpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alhazuddin Ahmed, Khan Bahadur Maulvi.
Ashrafali, Mr. M.
Asiad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Basu, Mr. Jatindra Nath.
Birkmyre, Sir Henry, Bart.
Blomenstock, Mr. L. M.
Brown, Mr. A. O.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edhar, Mr. Upendranath.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman (Mymensingh), Mr.
French, Mr. F. H.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hajamally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmed, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
MacGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Manirudin Akhand, Maulvi.
Marindin, Mr. F. J.
Miles, Mr. C. W.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Norton, Mr. H. R.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Ray Choudhury, Mr. Birendra Kishore.
Razaur Rahman Khan, Mr.
Ross, Mr. J. B.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Sen, Rai Bahadur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Chowdhury, Maulvi Haji.
Walker, Mr. W. A. M.
Zahur Ahmed Choudhury, Maulvi.

NOES—60.

Abdul Jabbar Paiyan, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Promhari.
Barman, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chakrabarty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Narendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendranath.
Datta, Mr. Dhirendra Nath.
Deloi, Mr. Narendra Nath.
Dutta, Mr. Sukumar.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.

Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Advaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Maqbul Hosain, Mr.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamakrishna.
Roy, Mr. Kisheri Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Zaman, Mr. A. M. A.

The Ayes being 106 and the Noes 60, the motion was agreed to.

Adjournment.

The House was then adjourned till 4·45 p.m., on Tuesday, the 23rd May, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 23rd May, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 206 members.

STARRED QUESTIONS

(to which oral answers were given)

Clerks in the office of the Principal, Medical College, Calcutta.

*462. **Mr. SERAJUL ISLAM:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state—

(*i*) how many clerks are there in the office of the Principal, Medical College, Calcutta; and

(*ii*) whether they are on a temporary basis?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state since when they are temporary?

(*c*) Will the Hon'ble Minister be pleased to state whether these clerks enjoy the privileges of increments and General Provident Fund?

(*d*) Are the Government considering the desirability of making them permanent?

(*e*) If so, when?

(*f*) If not, why not?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (*i*) 19.

(*ii*) Thirteen of them are on a temporary basis.

(*b*) Seven of these have been working as temporary clerks since 1928, four since 1929, and two since 1933.

(c) The temporary clerks were allowed the benefit of increment but the benefit has since been withheld under the provision of rule 31A of the Fundamental Rules as amended. Temporary Government servants are not eligible to join the General Provident Fund.

(d), (e) and (f) The whole matter is under my consideration in connection with the scheme for amalgamation of the two offices of the Medical College and the Medical College Hospitals.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state why this large number of clerks have been kept in this tantalising manner for the last 11 years: what are the reasons?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think one of the reasons was that the question of amalgamation of the two offices has been pending for a very long time.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether the services of these clerks who have been kept temporary for the last 10 or 12 years were found indispensably necessary in their respective positions?

The Hon'ble Mr. TAMIZUDDIN KHAN: Apparently so, Sir.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state the reasons for not confirming them in their respective posts?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have given one of the reasons as it suggested itself to me. If there are other reasons I want notice.

Babu NAGENDRA NATH SEN: Does the Hon'ble Minister mean to say that the matter of amalgamation has been in the air since 1928, but has not yet been disposed of?

The Hon'ble Mr. TAMIZUDDIN KHAN: Not since 1928, but for a considerable time.

Mr. MIRZA ABDUL HAFIZ: When does the Hon'ble Minister expect that the question of amalgamation will be disposed of?

The Hon'ble Mr. TAMIZUDDIN KHAN: As soon as possible.

Cases instituted before Debt Settlement Boards.

*462A. **Mr. C. MORGAN:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether it is a fact—

(*i*) that the Sarbangapur Debt Settlement Board in the district of Murshidabad gazetted on 14th April, 1938, has not yet functioned owing to an insufficient number of members of the Board attending to make a quorum;

(*ii*) that all cases instituted before this Board have been kept pending;

(*iii*) that a petition was presented to this Board by the Midnapore Zamindary Co., Ltd., in January of this year asking for a more speedy disposal of cases;

(*iv*) that an assurance was given by the Board that the disposal of cases would be speeded up; but

(*v*) that nothing as yet has been done?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, he proposes to take to ensure—

(*i*) that this Board will take up its functions immediately; and

(*ii*) that the cases pending before it will be disposed of at an early date?

MINISTER in-charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) (*i*) No: but the work of the Board was seriously hampered during the autumn of last year owing to the floods.

(*ii*) No.

(*iii*) Yes.

(*iv*) Yes.

(*v*) No.

(*b*) (*i*) Does not arise.

(*ii*) Instructions have been issued to the Board to this effect.

Mr. C. MORGAN: With reference to answer (*ii*), will the Hon'ble Minister be pleased to state how many cases have been disposed of?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Up to the end of March, 1939, 13 cases have been disposed of.

Mr. C. MORGAN: With reference to answer (*v*), viz., No, will the Hon'ble Minister be pleased to state what exactly he means by it?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It means that something has been done.

Babu NAGENDRA NATH SEN: With reference to question (1), viz., the Board has not yet functioned owing to an insufficient number of members attending to make a quorum, will the Hon'ble Minister be pleased to state whether floods have got anything to do with it?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: There were floods and all the members could not attend. Therefore, the meetings failed for want of quorum in some cases.

Babu NAGENDRA NATH SEN: The floods subsided some time in October or November. Does the Hon'ble Minister mean to say that during the remaining period, *i.e.*, November, December, January, February and March, the disposal of only 13 cases was sufficient for these 5 or 6 months?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The Board was established rather late. As I have explained, when they start work, the progress must be slow, but as they go on the progress becomes quicker.

Babu NAGENDRA NATH SEN: Will the Hon'ble the Minister be pleased to state if it is the complaint all over Bengal with respect to the functioning of the Debt Settlement Boards?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Where they have been established within a short time, there may be such complaints, but with regard to the Boards functioning for a long time, that is not the situation.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Excavation of khals in Khulna.

220. Mr. PATIRAM ROY: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that in 1937 the Naukhali *khal* in Khulna was excavated with the joint help of the grant of the Government of India and the contributions given by the local District Board; and

(*ii*) that this year the Satkhira *khal* in Khulna is being excavated with the initiative taken by the Government of Bengal?

(*b*) If the answers to (*a*) are in the affirmative, are the Government considering the desirability of declaring formally the excavated portions of the *khals* under the Canals Act for the maintenance of the *khals* against obstructions from fishing bars, cross bunds, etc.?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) Yes.

(*b*) I am considering the question of taking action under section 6 of the Bengal Embankment Act, 1882, in order to achieve the object which the hon'ble member has in view.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state how far the excavation of the Satkhira Khal is in progress up till this time?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid it is not possible for me to give the information asked for as the question deals with the application or otherwise of the Canal Act or the Embankment Act and to answer that question I want notice. But for the information of the honourable member I may say that we have provided Rs. 28,000 for the execution of this work in the current year's budget.

Circular of Special Officer, Birbhum.

221. Dr. SHARAT CHANDRA MUKHERJI: (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware that the Special Officer, Birbhum, has issued an open circular over all the Arbitration Boards directing them to put pressure on the tenants to clear up the current rents and the major portion of all arrears at once, failing which, all rent suits pending in their Boards to be summarily dismissed?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for issuing the order referred to in (*a*) before necessary amendment of the Debt Settlement Act?

(*c*) Has the attention of the Government been drawn to a petition sent to the Premier by Babu Surendra Nath Sarkar in this respect?

(*d*) If so, what steps have so far been taken?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) No such circular was issued by any Special Officer.

(*b*) and (*d*) Do not arise.

(*c*) No.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether the petition of Babu Surendra Nath Sarkar was received by the Premier?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The answer I have given is "No". No such petition was received.

Adjournment motion.

Kazi EMDADUL HAQUE: Mr. Speaker, Sir, you said you would give your final decision on my adjournment motion——

Mr. SPEAKER: I have already given my ruling, but I am always willing to discuss the matter with you further. I had no opportunity of consulting the Leader of the Opposition.

GOVERNMENT BILL.

The Bengal Money-lenders Bill, 1939.

The Hon'ble Mr. H. S. SUHRAWARDY: With your leave, Mr. Speaker, I should like to move the amendment No. 10 at page 5, viz., after clause 2 (*10*) (*f*) the following be inserted.....

We have considered the drafting. There have been several drafts sent in by the honourable members from various parts of the House, and I think instead of trying to move an amendment which may have to be amended on the floor of the House, perhaps a draft which I am suggesting now may be more acceptable.

Mr. SPEAKER: May I see the draft?

The Hon'ble Mr. H. S. SUHRAWARDY: I am giving you a copy.

Mr. SPEAKER: The suggestion is this. Instead of having several motions which are already there, the Hon'ble Mr. H. S. Suhrawardy

has tried to introduce a comprehensive one, that is to say, that after clause 2 (*10*) (*e*) the following be inserted, namely—

"(*f*) A loan advanced to any person for the purchase or construction of a house within the limits of the area defined by clause 11 of section 3 of the Calcutta Municipal Act, 1923, or of any area which has been or may hereafter be constituted a municipality under the provisions of the Bengal Municipal Act, 1932, or for the purchase within such limits of land for the construction of a house thereon if such loan is subject to the condition of repayment by instalments extending over a period of ten years or more."

A copy of this will be circulated to the members immediately.

Mr. DHIRENDRA NATH DATTA: Is it proposed to limit it to the city of Calcutta?

Mr. SPEAKER: No, Calcutta and all mufassal urban areas.

The Hon'ble Mr. H. S. SUHRAWARDY: This is, as hon'ble members will see, to encourage and promote businesses which are now coming to the fore for the purpose of building houses by those who are prepared to take advantage of the facilities that are offered to spread the loan over a number of years.

Mr. DHIRENDRA NATH DATTA: On a point of order, Sir. I suggest that this matter be passed over till we are supplied with a copy of the amendment, so that we will be in a position to apply our mind, a judicial and legal mind, to it.

Mr. SPEAKER: If you look at item No. 293 of the original agenda it is substantially the same as the one which Mr. Suhrawardy moves. There is no necessity to pass it over as a copy will be available to the members in a few minutes. The whole purpose, as I have explained, is to exclude loans over 10 years within Calcutta or the mufassal municipal areas.

Mr. NISHITHA NATH KUNDU: In that case I sent a notice of my amendment. It was disallowed on the ground that somebody was going to move an amendment of this nature. Now that the amendment seeks to confine it to urban areas my amendment will probably be allright:—

"A loan advanced for the purchase of land and (or) house or construction of house within the municipal areas of Bengal provided that the loan is repayable by monthly, quarterly, half-yearly or yearly instalments in ten years or more."

but it was disallowed.

Mr. SPEAKER: Why?

Mr. NISHITHA NATH KUNDU: Because the Hon'ble Mr Suhrawardy was moving an amendment like this. But now the amendment has been further amended.

Mr. SPEAKER: Please send the papers and I will see.

The Hon'ble Mr. H. S. SUHRAWARDY: I believe there are a number of amendments where it is proposed to extend the provision to exclude all the Building Societies throughout Bengal. Take for instance the amendment (Nos. 282-285) in the names of Mr. P. Banerji and others.

Dr. NALINAKSHA SANYAL: Is yours identical with that one?

The Hon'ble Mr. H. S. SUHRAWARDY: No, my amendment runs as follows:—

"2(*10*) (*f*) a loan advanced to any person for the purchase or construction of a house within the limits of the area defined by clause (*11*) of section 3 of the Calcutta Municipal Act, 1923, or of any area which has been or may hereafter be constituted a municipality under the provisions of the Bengal Municipal Act, 1932, or for the purchase within such limits of land for the construction of a house thereon, if such loan is subject to the condition of repayment by instalments extending over a period of ten years or more."

I formally moved this amendment.

Dr. NALINAKSHA SANYAL: On a point or order, Sir. May I submit that you were pleased, when we had an informal discussion, to state that although you would permit short-notice amendments from important groups or parties as well as Government you would not like such amendments to be voted upon on the day the amendments were moved?

Mr. SPEAKER: I am quite prepared to do that.

Dr. NALINAKSHA SANYAL: We feel that so far as the Hon'ble Mr. Suhrawardy's amendment is concerned, if, as you suggest, it is substantially the same as any other amendment or amendments already on the agenda, it will be only fair to such members who had applied their

minds previously to those amendments to let them move their amendments in the first instance and then if Government want to move an amendment they may do so. That would be only fair. Government should not stand on formalities.

Mr. SPEAKER: The difficulty is he has combined two or three amendments of two different Acts. Somebody has proposed "within the Municipalities of Calcutta, Tollygunge, Garden Reach, Dum Dum and Behala." Then somebody has suggested "within the municipal areas."

Dr. NALINAKSHA SANYAL: So far as Mr. Birendra Kishore Ray Choudhury's amendment is concerned, it is comprehensive enough.

Mr. SPEAKER: There also he has tried to combine them.

Dr. NALINAKSHA SANYAL: Sir Hari Sankar Paul's amendment is comprehensive enough.

Mr. SPEAKER: No.

Dr. NALINAKSHA SANYAL: Mr. Birat Chandra Mandal's amendment is there which is almost identical.

The Hon'ble Mr. H. S. SUHRAWARDY: No, this is for the entire area of Bengal including all the municipalities.

Mr. SURENDRA NATH BISWAS: We heard the Hon'ble Mr. Suhrawardy say first that the house should be within the limits of Calcutta. But now he says "all over Bengal" including Calcutta.

The Hon'ble Mr. H. S. SUHRAWARDY: My amendment, Sir, goes so far as this. It applies only within the limits of Calcutta or within the limits of any area of Bengal which has been or may hereafter be constituted a municipality when the loan is advanced for the purchase or construction of a house, and if it is advanced for the purpose of purchasing land, then it will only apply when it is proposed to build a house upon that land.

Dr. NALINAKSHA SANYAL: What proportion of that land will have to be utilised for the construction of a house? Will it do if the house stands on one *chattak* of land?

The Hon'ble Mr. H. S. SUHRAWARDY: One cannot be so meticulous as all that. One would purchase land for the purpose of building a house, and if a loan is advanced subject to repayment by instalments extending over a period of ten years, it is quite clear that when one is

purchasing a land under those conditions he is not doing it as a joke but as a business proposition. This will, I hope, prevent the mere purchase of land by persons and mere advances of loans to persons for the purchase of land without any idea of constructing a house thereon: firstly, because it is confined to the municipal areas, and secondly because land is never purchased on such terms. Now it has been suggested to me, for instance, that we ought to prevent arable lands from being purchased for the purpose of building a house thereon. But so far as the question of purchasing arable land and building a house thereon is concerned, it is well looked after by the Bengal Tenancy Act. With these words I commend this amendment to the consideration of the House.

Mr. SPEAKER: I think, the best course for me is to adjourn the House for half an hour so that the members might consider the amendment in the meantime.

(The House was then adjourned for half an hour.)

(After adjournment.)

Mr. SPEAKER: We will now resume discussion of Mr. Suhrawardy's amendment which has been circulated. Dr. Sanyal, are you going to move your amendment to it?

Dr. NALINAKSHA SANYAL: Sir, we are rather at our wit's end and even some of us find difficulty in following Mr. Suhrawardy because of his quick somersault. We are at our wit's end when we find Mr. Suhrawardy coming with a revised draft and not prepared to move the original clause (*10*) (*f*) as he proposed to take up some time back. In this draft the Hon'ble Mr. Suhrawardy wants to give relief to building societies and to other organisations that function similarly. I move the following amendment to this amendment that after the whole clause add the following words, viz., "and do not carry interest exceeding 9 per cent. per annum." The idea is very clear. We have already explained that so far as the functional division of loans are concerned, the Congress Party is prepared to examine particular classes of loans and to find out whether from the point of view of maximum social justice, it is desirable or not to exclude such a loan from the operations of the Act. We think that the problems of housing of the poor and middle class members of the society are so acute that it would be helpful to exclude such loans as would go to help such housing, particularly when we find that the instalments proposed will be for ten years and more. But, at the same time, we do not feel happy to find that the Government not only wants to exclude such loans from the operation of clauses for repayment

and refund, but Government proposes to exclude th rom the clauses relating to maximum rate of interest. We submit that if the loan is to be treated as productive, it will cease to be productive if a high rate of interest is permitted on such loan and consequently we desire to put a maximum limit. We would have put a limit at probably less than 9 per cent., but having considered the circumstances prevailing in the country and particularly the fact that repayment is proposed by instalments extending over periods of ten years and more, we have made the concession in the rate of interest and I have proposed a maximum rate of 9 per cent. We conceive, however, that as a result of competition between several insurance companies as well as building societies, this rate of interest will in actual practice be considerably reduced. Therefore we propose that these words be added towards the end of the paragraph and the whole clause will then read as follows:—

"That a loan advanced to any person for the purchase or construction of a house within the limits of the area defined by clause (*11*) of section 3 of the Calcutta Municipal Act, 1923, or of any area which has been or may hereafter be constituted a municipality under the provisions of the Bengal Municipal Act, 1932, or for the purchase within such limits of land for the construction of a house thereon, if such loan is subject to the condition of repayment by instalments extending over a period of ten years or more and do not carry interest exceeding 9 per cent. per annum". . . .

Mr. C. MORGAN: May I know whether it is simple interest or compound interest?

Dr. NALINAKSHA SANYAL: Simple interest. If the House will permit me to add the word "simple," I am prepared to do so.

Mr. SPEAKER: I think, you can do that.

Dr. NALINAKSHA SANYAL: In that case, my amendment will read as follows: "and do not carry interest exceeding 9 per cent. simple per annum" to be added at the end of the Hon'ble Mr. H. S. Suhrawardy's amendment, viz., clause 2 (*10*) (*f*); and I formally move this.

Sir, I would like to add a few words more, and I will finish. We have some difficulty in accepting the extension of such privileges to land in general and to all municipalities, because I know of many municipalities in Bengal where a very large part of the municipality is under agricultural operations. There is a very substantial proportion of land under

agriculture in municipalities as, for example, in Satkhira, which is Mr. Hashemy's municipality, and in municipalities like Maheshpur, Kotchandpur, and even big municipalities like Santipur and Berhampur have a substantial part where agriculture is pursued. (Maulvi ABDUL BARI: No, not in Berhampur). Yes, yes, there is. জানেন না? কাশীমবাজারে আছে। (Laughter.)

Sir, my friend Mr. Bari lives in a part of the Berhampur Municipality, within a stone's throw of which agricultural operations are pursued, and yet I am surprised that he seeks to question my statement. However, let that go.

I feel, Sir, that this addition of "limits of land for the construction of a house thereon" might lead to some evasion of the provisions which really are meant for building houses for middle class and poorer people in comparatively growing municipalities. And yet we do not like to oppose this amendment moved by the Hon'ble Mr. Suhrawardy only because the words "for the construction of a house thereon" are mentioned, but it would probably be better if, in the course of his reply, the Hon'ble Minister himself made it clear as to what proportion of such land should have houses built upon. If, for example, a person gets a very large area under him and states that he will have a house built thereon, and on some corner has a small house, and the whole area is practically under agriculture he gets a loan for agricultural purposes and yet he may not be governed by the provisions of the Act.

I would like the Coalition Party to have this matter further thrashed out, and if they do not like to have such agriculturists excluded—agriculturists who carry on the work of agriculture just on the suburbs of certain municipalities and who have got to borrow money for such agricultural purposes— then I think they would be well advised to move a further amendment. (Mr. FAZLUR RAHMAN: Are you serious about your amendment?) So far as my amendment is concerned, I think that you will all agree that the limitation of the rate of interest is something which is very, very necessary, and to keep that rate of interest uncontrolled would mean much greater hardship than relief that the Bengal Money-Lenders Bill is intended to give.

With these words, Sir, I commend my short-notice amendment to the House, and I hope that it will be universally accepted.

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir, I beg to oppose the amendment moved by the Hon'ble Mr. Suhrawardy as well as the short-notice amendment to that amendment, moved by my friend Dr. Nalinaksha Sanyal, because, I think that both the amendments have been moved in the interest of the creditors only—in short, the creditors' side has been considered but no consideration has been given to the middle-class people and the labourers who live in the municipal areas.

Sir, the provisions of the Money-lenders Bill, as I understand them, are to minimize the old debts as well as to minimize the future rates of interest prevalent in the country, but, unfortunately, amendments after amendments have been moved and various things have been excluded from the scope of the Bill. (A voice from the Congress benches: Everything has been excluded.) One of my friends from the Congress side suggests that everything has been excluded. If this amendment is carried, Sir, the middle-class people—the subordinate officers, the clerks, the doctors, the lawyers, as well as the labourers—will not get money for building their houses in the municipal areas at lower rate of interest. Both the Hon'ble Mr. Suhrawardy and Dr. Sanyal are considering the interest of the creditors and the bankers, but they are not considering the hardships of the middle-class people who like to build houses in the municipal areas. Even the labourers who like to get their houses built within the municipal areas would be completely at the mercy of the money-lenders and the bankers. They will have to borrow money at the contractual rate, and they will not get any benefit out of this measure as it was intended that they should, at the beginning, I mean when the Bill was introduced. On the other hand if any man is sued for his old debt, he will not get the benefit of the instalments, which are proposed in some later clauses. So, Sir, I again assert that this amendment, if carried, will be detrimental to the interests of the middle-class people, the lawyers, the doctors, the labourers, and such other middle-class people who may like to build their houses in municipal areas. It would be very difficult for persons who are trying to establish themselves newly in municipal areas all over the province including Calcutta.

So, Sir, I think that the amendment of the Hon'ble Mr. Suhrawardy as well as the amendment of Dr. Sanyal should be rejected by the House.

With these few words, Sir, I oppose both the amendments.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, I beg to oppose the amendment of the Hon'ble Mr. Suhrawardy, because unless he accepts the short-notice amendment which has been moved by Dr. Sanyal, this amendment will open out a flood-gate of litigation.

Sir, in Mr. Suhrawardy's amendment, only the purpose has been stated. He has given out that if certain loans are incurred for the purposes of house building, they will be excluded from the operations of this Bill. I submit, Sir, that it is very easy for ordinary people to dodge the provisions of the Money-lenders Bill by stating that every loan is a loan incurred for purposes of house construction, because there is nothing in the amendment of the Hon'ble Mr. Suhrawardy which guarantees against this dodge. If his amendment is accepted without

the further amendment of Dr. Sanyal, the effect will be that every loan transaction will be described as a transaction for house building purposes, because there is nothing in this amendment of the Hon'ble Mr. Suhrawardy which compels a guarantee that, in effect, such loans should be so invested. Therefore, Sir, if it is expected that these loans should be excluded from the operations of the Bengal Money-lenders Bill, then in order to minimise or exclude the dodging of the Money-lenders Bill it is only proper in the interests of the debtors that the amendment of Dr. Sanyal should be accepted.

The Hon'ble Mr. H. S. SUHRAWARDY: I did not expect, Sir, much clarification on the issues from the opposite side, because actually these building societies and building loans are a very recent innovation in this country. Elsewhere, for instance in London, these building societies have grown up to a very large extent and are a real boon to those persons who have not got enough cash and enough resources to build houses for themselves, and we hope, Sir, that by the exclusion of such building loans by building societies and by any other organisation that advance loans like these we may give some encouragement to the building of houses for the benefit of the middle-class people or even of the working classes who cannot afford to lay out sufficient resources to build houses for themselves. Now, Sir, the amendment of Dr. Sanyal shows that he has not even studied how these building societies operate. In the first place, I am averse to laying down any interest other than the interest which we shall lay down under section 20(*a*)——

Dr. NALINAKSHA SANYAL: Will that apply?

The Hon'ble Mr. H. S. SUHRAWARDY: Because if we do so, various other exclusions may crop up for which different rates of interest may have to be provided for. In the second place, building societies and loans of this kind operate on the basis of compound interest from the beginning to the end. The whole basis of these loans is compound interest similar to insurance companies, and, therefore, you are really stultifying the clause for exclusion if you say that it will carry 9 per cent. interest. Mr. Sanyal is right in saying that owing to competition between societies, the interest actually will be very much less. It is not a question of interest being less or more, but the question is that the system of interest and the whole system of giving loan rests on its own special basis. I would request the House that before they go on suggesting these limitations, they should study each subject in regard to which the limitation is being made. It has been stated that if we do not limit the interest, it will work a great deal of hardship on somebody or other. So far as loans of building societies are

concerned, they do not stand on the same footing as l[illegible] lenders. Persons who go to money-lenders are compelled to go to them because they need money. The Money-lenders Bill is for the purpose of protecting persons who have not got resources and who must resort to loans for the purpose of keeping themselves going and inasmuch as they are in a condition in which they cannot help themselves, it is right and proper that Government should regulate such loans. But in the case of building societies, these will only affect those who actually go to them for the purpose of raising loans. Nobody compels you to go and raise such loans from these societies; nobody compels you to have a house of your own. As a matter of fact, this has not yet become a fashion in this country and actually it will not affect anybody unless the person himself goes and deliberately raises a loan for the purpose of building a house. As building societies are at present constituted and as they are run, they have got most complicated tables with regard to their system of loans and how the instalments are worked out and how the payments that are made by the parties carry compound interest in the same manner as the outstandings until at a certain time they balance. These matters cannot be explained satisfactorily by one who is not a mathematician and does not know higher mathematics or by a person to a House composed of gentlemen who also are not versed in higher mathematics themselves. Now, as I stated, the system of these societies is extremely complicated and as we propose to exclude them altogether, we will allow them to work out their own destinies. (Dr. NALINAKSHA SANYAL: How can you limit them to building societies?) Because you need not go to a building society if you do not want to build a house. Nobody compels you to go there, nobody catches you by the scruff of your neck to take loans from such societies. Neither is there so much necessity to do so. In the case of a poor man who has got to go to a money-lender for the purpose of borrowing money, real necessity drives him to go there and take loan. But in a case of this nature, nobody catches you by the scruff of your neck to take loans. It is for you to decide whether you desire to have your own house or not and you are not compelled by necessity to take loans. If you do not like the terms, you may refuse to take the loan. As a matter of fact, the terms that are offered by building societies that do exist appears to be sufficiently attractive for persons to go to them and many persons have been able to build houses for themselves by having recourse to such societies, who up to the present moment might have been paying rent to their landlords, most of whom are to be found in the opposite benches. If building societies are excluded, many persons who are at present paying house-rents will be able to have houses of their own, and they should have opportunities to get loans from such societies. (Dr. NALINAKSHA SANYAL: Building societies were not in your picture. Rai HARENDRA NATH

CHAUDHURI: You are trying to delude the House.) It was not in the picture. Building societies were overlooked by Government. Building societies are, as I have stated, not widely prevalent at the present moment. The attention of Government towards the exclusion of these building societies was directed by the various amendment which have been sent in. While these amendments were examined, noted that there were some societies which were carrying on this business and which should be excluded. So Government thought it fit to exclude them.

Mr. JOGESH CHANDRA GUPTA: Sir, the speech of the Hon'ble Mr. Suhrawardy has made it quite clear that such short-notice amendments ought not to be taken up for consideration. He has made statements which—he will excuse me if I say—are reckless. He has tried to compare the interests of a borrower and of those who are required to borrow for the purpose of building. I think, he is aware that the Calcutta Corporation and also other municipalities have enacted laws and by-laws which require that persons will have to make *pucca* buildings. They cannot have corrugated sheds and other things on a public road. Therefore, in such cases, they are compelled to build according to the requirements of the municipal by-laws, and that is also a compulsion.

In the next place, he ought to realise that people who build houses, not only build for themselves but also for others who want to hire houses for the purpose of dwelling. Therefore, the necessity of giving facilities for the purpose of construction of buildings cannot be underestimated, and he has done so because, in a hurry, he has not been able to consider the question in all its bearings.

Moreover, I say that he has confused the House. We have not been able to follow whether he is going to make Chapter VI, that is, regarding interest, applicable to them. At one stage, we thought that he did, but at another stage, we thought that they are to be left free to have compound interest, to have interest according to higher mathematics, progressive interest and all those sorts of things. How are we to make our decision under such circumstances? This is a point which I want you to consider before asking us to vote on the subject.

Maulvi ABDUL BARI: When speeches were made by some members of the Opposition they forgot that we as human beings live not only for ourselves but for others too. (Dr. NALINAKSHA SANYAL: Oh; oh!) Dr. Sanyal cried out "Oh oh!" I refer to it because he is secure, in his house at the Hindusthan Road built at the cost of the Hindusthan Insurance Company. Does he not remember that he

took an advance of some thousands of rupees payable by instalments and erected his house. Does he not remember that now that he is secure in his house——

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, is this kind of personal reference permissible? I hope you will kindly intervene. However much Mr. Abdul Bari may be entitled to make a general statement, can he refer to a particular member of this House and bring in his private affairs for the purpose of illustrating his argument?

Dr. NALINAKSHA SANYAL: I can make it perfectly clear that I have not the slightest hesitation in admitting that I am a borrower of a big company.

Mr. SPEAKER: Order, order. There should not be any personal reference. This should be avoided. (A voice: Maulvi Abdul Bari has not yet got a house in Calcutta.)

Maulvi ABDUL BARI: I want to build a house in Calcutta, if possible.

I do not really understand the speeches made from that side. Though they were speaking on behalf of the agriculturists, they knew in their heart of hearts that they were not talking about the agriculturists at all. In saying this I include Mr. J. C. Gupta also. We are not convinced that any word of sense was uttered regarding the reasons that were advanced in favour of the inclusion of those persons who advanced money for the building of houses. Now, Sir, it is a well-known fact that not only in Calcutta but in mufassal areas also there are contractors who are building houses for people on instalments. For example, if I want to build a house for my own use and I cannot pay at a time the entire amount, there are people who will advance money to be realised in instalments. That certainly stands in aid of those who do not want to live in rented houses. Does it in any way affect the agriculturists whether they live in municipal or non-municipal areas? Personally, I would have gone a step further and would have said that there ought not to be any restriction regarding the areas—municipal or non-municipal. I think that would have been better. But as the amendment stands, it stands on a very good footing and no exception can be taken to it. I think that the amendment is well thought out, well reasoned, and well balanced, inasmuch as it enables so many people to live in their own houses by paying for them in instalments.

Mr. C. MORGAN: I want to know, as this new amendment brings in the municipalities in the mufassal and as the point has been raised by some of my friends over there about *dhan-khèts* being within municipal limits, when a loan is advanced for the purchase of such lands, is there to be a time-limit within which the house must be constructed?

Rai HARENDRA NATH CHAUDHURI: No.

Mr. C. MORGAN: Unless that is so, the object of the Money-lenders Bill will be defeated.

Mr. J. W. CHIPPENDALE: I find it difficult to follow what is being done in the House. I really want to know one matter so that I can understand both the amendment of the Hon'ble Mr. Suhrawardy as well as the amendment of my friend Dr. Sanyal, and it is this: are these building societies being brought within the purview of the Act or are they being exempted? If they are being exempted, it is high time that some amendment should be brought in in order to bring these societies within the purview of the Act so as to restrict the interest that may be charged. If, on the other hand, they come within the Act, then of course the Act will automatically provide for the interest. I cannot myself make out what is going on. I know that we do not want money-lenders to go on charging an exorbitant rate of interest. Similarly, we do not want building societies of any kind whatsoever whether within the municipal area or outside it to charge any exorbitant rate of interest. If they are within the purview of the Act, let the Act lay down the rate of interest, but if they are outside the scope of the Act, this is the time to specify the maximum rate of interest. So, I trust that the Hon'ble Mr. Suhrawardy will kindly make it plain as to what is the intention of the Government with reference to the short-notice amendment that he has brought-in.

(The Hon'ble Nawab Musharruff Hossain, Khan Bahadur, rose in his seat to speak.)

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Speaker, I want to answer the questions put by Mr. Morgan and Mr. Chippendale.

Mr. JOGESH CHANDRA GUPTA: He cannot speak twice.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Morgan has asked whether there is a time-limit within which the building should be erected. That can hardly be incorporated in the Money-lenders Bill, and a time-limit can hardly be suggested. When a building has to be erected, that must form the subject matter of an agreement

between the building society and the person who contracts with the building society. For instance—I am going to be very clear—a person comes and borrows money from a building society, or the building society, as it happens, puts up a building for the purpose of that particular person and the contract is that the building society shall erect the house within two years of the loan or within six months or within three months, depending of course upon the season, upon the size of the house or anything like that——

Dr. NALINAKSHA SANYAL: It does not limit the building societies.

Rai HARENDRA NATH CHAUDHURI: And where is the contract?

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Morgan asked with regard to the building society and I am giving him a reply.

Mr. C. MORGAN: I did not ask that. With reference to the fact that the rural municipalities are brought within the Act, I say that most municipalities in Bengal have got agricultural lands within the municipal limits. A point has been raised by some of my friends here as to whether a loan that is taken for the construction of the houses or for the purchase of *dhan-khet* lands that fall within the municipality, would come under the operation of this amendment? I have not made any contract. I have not made any arrangement with a contractor, but, meanwhile, I spend the whole of the money in purchasing the land for the supposed purpose of building——

The Hon'ble Mr. H. S. SUHRAWARDY: I think it is little bit fanciful to suggest that a money-lender will spread his loan over 10 years or even longer in order to enable a lender to purchase a *dhan-khet*. Apart from that, Mr. Morgan should know that he will be hit, and very badly hit, by the Bengal Tenancy Act. (Rai HARENDRA NATH CHAUDHURI: Not at all.) Mr. Morgan will not be able, on an agricultural arable land, to build a house and to change the character of that land. Mr. Morgan under the Bengal Tenancy Act will not be able to take a loan from a money-lender——

Maulvi ABU HOSSAIN SARKAR: That is not the intention of the Bengal Tenancy Act.

Rai HARENDRA NATH CHAUDHURI: You do not know the provisions of the Bengal Tenancy Act. (Cries of "Hear! hear" from the Congress Benches.)

The Hon'ble Mr. H. S. SUHRAWARDY: That is my impression.

Mr. DHIRENDRA NATH DATTA: You have no idea.

Rai HARENDRA NATH CHAUDHURI: You are entirely wrong.

The Hon'ble Mr. H. S. SUHRAWARDY: I think I am right. (Cries of "No! no!" from the Congress Benches.)

Mr. SANTOSH KUMAR BASU: Ask your own party people, and they will tell you that you are terribly and horribly wrong.

The Hon'ble Mr. H. S. SUHRAWARDY: As I said, I cannot understand that anybody is going to a person for the purpose of purchasing a *dhan-khet* with the object of constructing a house thereon.

Mr. Chippendale has remarked that the interest should be limited. Now, Sir, I do not know whether Mr. Chippendale is aware of the manner in which these Building Societies operate and of the principles upon which they give their loans and calculate their instalments. The question of interest which Mr. Chippendale wishes me to secure depends very much upon the period over which the loan will be spread. If it is spread over ten years, it will carry a certain rate of interest; if it is spread over twenty years—and I understand that twenty years is the usual time over which it is spread—it will carry another rate of interest. If it is spread over twenty-five years and more, it will be different. And if really we go into this question we will have to draw up a table limiting the rate of interest of these societies which I believe, Sir, it is impossible to do. I am prepared to make this offer to Mr. Chippendale that if these societies, which are in an infant stage in our country and which we do not want to stifle at this stage, operate with hardship on people, so that the result is that they charge illimitable interest and persons who borrow from these societies are put to great hardship, there will not be the least difficulty within the next six or eight months in bringing them within the purview of this Act. So I would ask Mr. Chippendale to let us examine this question. As a matter of fact, there are few of us who have studied the subject properly, and actually, as I stated yesterday, the principle should be first to make out a case for hardship before regulation comes in, and not to anticipate hardship from before and regulate as if it was going to create hardship. As I said, I am prepared to make this offer to Mr. Chippendale that if in the course of a year he is able to find instances that these loan societies take advantage of their position and operate harshly upon people, then we shall only be too glad to include them within the purview of this Act.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, the Hon'ble Mr. Suhrawardy is out to mislead the House deliberately. He is constantly harping on the point that the amendment contemplates and excludes a loan by a building society. That will not be the case because in the amendment that he has suggested there is no mention that the loans would be advanced only by building societies and not by any other person. The amendment speaks generally of a loan advanced for building purposes, but by whom it is not mentioned. Probably the Hon'ble Mr. Suhrawardy is obsessed with the ideas derived from the brief which he has lately received from building societies and with the terms of contracts of the building societies. Their terms and contracts are in his brain, but in his amendment he does not speak exclusively of loans by a building society. Not only that. In the amendment he is excluding loans for buildings taken not only in Calcutta but in all the municipal towns spread over Bengal in most of which building societies have not come to operate. So the question of his amendment being confined only to loans taken from building societies cannot arise. There he is deliberately misleading the House, I should say.

Then he says in reply to a question put by Mr. Morgan that there must be a term in such contracts that the House will be built within such and such a period. But how does he presuppose that? There is no mention of any such contract in the amendment either. The contract is only in his imagination, but he is speaking as if it is included in his amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: A loan is a contract.

Rai HARENDRA NATH CHAUDHURI: Thirdly he says that a person who purchases a *dhan-khet* and who wants to build a house thereon will be precluded by the Bengal Tenancy Act. That is not the case. After the amendments made to the Bengal Tenancy Act in 1928—let alone the recent amendment—a tenant is entitled to build a house on a portion even of his agricultural land, provided the building does not in any way convert the whole land into a non-agricultural holding. That is what the Bengal Tenancy Act provides. Otherwise a tenant is perfectly entitled to build a house on any agricultural or arable land. There again, Sir, the Hon'ble Mr. Suhrawardy is misleading the House by denying the possibility. Apparently he does not know the present provisions of the Bengal Tenancy Act. In these circumstances, if the amendment be accepted by the House without the rider suggested by Dr. Sanyal, then this will open up a loophole for evading in urban areas the provisions of the Bengal Money-lenders Act regarding limitation of interest, etc. Whether the House will be in a mood to accept such an amendment I do not know.

If it accepts, it will make much of the provisions of the Money-lenders Act nugatory. It is for the House to consider it carefully and I have nothing more to add.

Mr. SPEAKER: Following the practice which I announced before, I think that it will be better in the case of a short-notice amendment if it is not put to a division on the same day on which notice is given. It should be put to division the next day. In the meantime, I have received a very short-notice amendment by Dr. Sanyal, with the concurrence of the Congress Group, to confine the operation of the Hon'ble Mr. Suhrawardy's amendment only to the building societies. If Dr. Sanyal will formally move his amendment, I will ask the Nawab Sahib to reply.

I understand that Government is not in a mood to proceed with the other amendments to-day. Is that so, Mr. Suhrawardy?

The Hon'ble Mr. H. S. SUHRAWARDY: There are some small amendments which are consequential to the amendments which have already been accepted.

Mr. SPEAKER: It is better to take them up together.

Dr. NALINAKSHA SANYAL: Sir, I move a further amendment that after the words "a loan advanced" add the words "by a building society," because so far as we have listened to the arguments of Mr. Suhrawardy, they are all calculated to exclude the operation of building societies and nothing else. His intention is certainly not to exclude the operations of private money-lenders who might evade the law by simply advancing the loan by stating that the loan is for the purpose of building houses, without any limitation whatsoever. (Cries from the Coalition Benches: But it is repayable in ten years.) But that is merely a long-term loan carrying a high rate of interest——

The Hon'ble Mr. H. S. SUHRAWARDY: Will you define a building society?

Dr. NALINAKSHA SANYAL: That is for the Government to do. I find the Hon'ble the Finance Minister is getting fidgety. I can assure him that he need not have any apprehension or feel any difficulty arising out of it because he has already by virtue of a previous motion of the Hon'ble Mr. Suhrawardy got excluded the institution in which he himself is interested. That being the position, such institutions having been excluded——

The Hon'ble Mr. NALINI RANJAN SARKER: Dr. Sanyal is judging others by his own standard.

Dr. NALINAKSHA SANYAL: Sir, I want to add the words "by a building society" and, if necessary, consequentially let Government put forward some definition of a building society.

Mr. SPEAKER: As there will be no other business to-day, I propose to adjourn the House at 6-35 p.m. till to-morrow when the divisions on these two amendments and other motions will be taken up.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, Mr. Suhrawardy's motion was handed over to me when I just came here. (Cries from the Congress Benches: That was very wrong.) As far as I know, the building societies have been working for the good of the middle-class people, and money is now being invested by such societies and houses are being built near the Lake Road for small holders of houses. These people would never have expected to have houses of their own if such houses were not built for them by some societies which are advancing money and not only advancing money but securing lands for the houses. This business or industry has cropped up very recently, and it requires a little bit nurturing to enable all the people who are actually paying monthly rents to have houses of their own. That being the position, I do not believe at this stage that it is desirable that there should be any restriction on the working of such societies who are building houses for others. My friend Dr. Sanyal says that the rate of interest should be fixed. As far as I understand the position, if the rate of interest is fixed, the development of the entire industry may be hampered. If you want to develop an infant industry, you must give it freedom. It is a sort of an industry that was not in existence before, and so as an industrialist I can tell you this much that if you really desire that the people who are not owners of houses but who desire that some houses should be built for them should be encouraged to have their houses built by such institutions. If these infant institutions will work out a salvation for themselves and if in future it is found that they are not working for the good of the country but for their own selfish interest by earning more and more money out of it and not giving corresponding advantage to the people, then it will be the duty of all of us to see that some restriction is put on them. But at present I do not believe that such infant industries should be at all restricted by us. I would ask Dr. Sanyal to consider this aspect of the case. He should not rush in for a division. I appeal to him to consider that whenever any infant industry is springing up, it should be allowed to develop unhampered, and then if you find that it is working on wrong lines, to restrict it. I appeal to you now to consider this point and not to rush in for a division. I can assure the House that we are all working for the good of the country; one is working in his own way; another in a different way. In that view I hope there will be no voting in a case like this.

Mr. SPEAKER: There is just one point which I want to suggest to the Treasury Bench, and that is what we might go on at a little more rapid rate if Government in the course of the next two days could make up their mind definitely about the provisions of this Bill. I may say that for the last two or three days we have been proceeding very slowly, because Government were not found to be ready with their amendments.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I do not know whether that will lead to greater expedition, because these are somewhat controversial matters; Chapter VI is also going to be controversial. In any case, Sir, we will consider your suggestion.

Mr. SPEAKER: In that case I would adjourn the House till 4-45 p.m. to-morrow.

Adjournment.

The House was then adjourned till 4-45 p.m. on Wednesday, the 24th May, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 24th May, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 206 members.

STARRED QUESTIONS

(to which oral answers were given)

Provincialisation of Indian Civil, Police and Medical Services.

*463. **Mr. MD. ABUL FAZL:** (a) Will the Hon'ble the Chief Minister be pleased to state—

(i) whether Government are considering the desirability of replacing the Indian Civil, Police and Medical Services by Superior Provincial Services; and

(ii) whether Government are in correspondence with the Government of India for such replacement, and with other Provincial Governments for a uniform line of action for such substitution?

(b) Is the Hon'ble the Chief Minister aware that the Assam Government have already been taking steps in the matter?

The Hon'ble the CHIEF MINISTER (the Hon'ble Mr. A. K. Fazlul Huq): (a) No.

(b) It is understood that the Government of Assam are considering the question.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether the answer "No" against (a) refers to both the questions (a) (i) and (a) (ii)?

The Hon'ble Mr. A. K. FAZLUL HUQ: I shall not go so far as that. For the present the answer "No" means that the present Government has not yet considered the "desirability."

Babu NAGENDRA NATH SEN: Then it refers to (*a*) (*i*) only?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, Sir

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there is any list made of such posts which may conveniently be placed under "Provincial Services" in cases where the Government of India Act does not interfere?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is a question of interpretation of the list in the relevant schedule of the Government of India Act. I cannot say more than what appears there.

Dr. NALINAKSHA SANYAL: Has the Government of Bengal prepared any list to find out if such posts can be suitably provincialised?

The Hon'ble Mr. A. K. FAZLUL HUQ: I should like to have notice, Sir. As regards some of the services, it has been done, but I am not sure as regards all the services.

Dr. NALINAKSHA SANYAL: Does the Government consider the desirability of examining this question, so that there may be considerable economy effected in the expenditure incurred on the superior services and the Government of Bengal may have full control over the services?

The Hon'ble Mr. A. K. FAZLUL HUQ: Now that our attention has been specifically drawn. I can assure the honourable member that Government will give utmost consideration to the point that has been raised.

Admissibility of travelling allowance to members of Union Boards.

***464. Maulvi MAFIZUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether the presidents and members of Union Boards and other non-official gentlemen to whom enquiries are referred to by Criminal Courts and other Government officials are allowed any travelling allowance?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state by whom and at what rate the allowance is paid?

(*c*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of allowing them travelling allowance in future?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) and (*c*) No.

(*b*) Does not arise.

Khan Sahib HAMIDUDDIN AHMAD: With reference to answer (*c*), where Government says "No" in answer to the question whether Government are considering the desirability of allowing travelling allowance to presidents and members of union boards, will the Hon'ble Minister be pleased to state whether Government do not think that the presidents and members of union boards are sometimes hard hit if they are expected to meet their expenses out of their pockets for executing the orders of courts?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Government will be guided by the Legislature. If the Legislature thinks that the presidents and members of union boards should get some travelling allowance, it can bring in a Bill in this House and get it passed. Otherwise, Government, as it is at present constituted, thinks that any further attempt to spend more on the administration of the country will be wrong.

Khan Sahib HAMIDUDDIN AHMAD: Do Government consider the desirability of taking an initiative in bringing in legislation to this effect?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Government do not consider it necessary to do so, because Government are of the opinion that no further expenditure along that line should be incurred.

Preventive and protective measures against Damodar floods.

*465. **Mr. ADWAITA KUMAR MAJI:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state what arrangement has been made by Government to protect the people on the right side of the river from the disaster of the Damodar flood?

(*b*) Is the Hon'ble Minister aware—

(*i*) that some breaches such as Kumirkhola and Nagra have been protected by sluice gates; and

(*ii*) that all the breaches have not yet been guarded by any embankment or sluice gates?

(c) If the answer to (b) is in the negative, will the Hon'ble Minister be pleased to state what steps, if any, do the Government contemplate taking for the protection of the people of the Damodar river side from such flood havoc?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT: (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) Work is now in progress on a scheme for the relief of flooding on the right bank of the Damodar river, which is estimated to cost Rs. 1,16,500.

(b) (i) A regulator at Lakra (not Nagra) has been completed and a weir and regulator which are under construction at Kumirkhola will probably be completed by April or May, 1940.

(ii) The scheme provides for closing 11 minor breaches out of which 6 have already been closed; the others have not yet been taken up as the local people have refused to give the required land.

There are many other breaches but it is not considered necessary to control them.

(c) Does not arise.

Mr. NISHITHA NATH KUNDU: With reference to answer (b) (ii), in which it is stated that the scheme provides for closing 11 minor breaches out of which six have already been closed, will the Hon'ble Minister be pleased to state the object of closing these six breaches? Is it for the purpose of protecting the people from the disastrous Damodar floods, or for any other purpose?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The object in this particular case is to prevent flooding when the water level is low.

Mr. NISHITHA NATH KUNDU: In view of the answer just now given, will the Hon'ble Minister be pleased to state in which cases the closing of breaches prevents disasters and in which cases it adds to the number of disasters?

Mr. SPEAKER: That is too big a question.

Rai HARENDRA NATH CHAUDHURI: With reference to answer (a), will the Hon'ble Minister be pleased to state whether the scheme has been prepared in the light of the criticisms and suggestions made by Sir William Wilcocks?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, we have always in view the opinion of Sir William Wilcocks whenever any scheme is prepared by the experts of Government.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state if he is aware that Sir William Wilcocks was definitely of opinion that this closing-up of breaches will not serve the purpose of saving the people from floods?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid, the honourable member is not aware of the actual state of affairs in this particular case.

Rai HARENDRA NATH CHAUDHURI: Sir, my question has not been answered. My question is if the Hon'ble Minister is aware that Sir William Wilcocks was definitely of opinion that this closing-up of minor breaches will not prevent the flooding of the area?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I do not think, that was the opinion of Sir William Wilcocks in this particular case. The object in this case is to prevent water passing over a large area during low floods.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state what was the particular opinion of Sir William Wilcocks in this matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir William Wilcocks never expressed his opinion on individual schemes.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state if he is aware of the opinion of Sir William Wilcocks, as given in his lectures before the Calcutta University and published in the shape of a book, namely, *Irrigation in Bengal*?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Certainly.

Mr. NISHITHA NATH KUNDU: In view of the answer that sometimes by closing of breaches, disaster by floods is prevented, will the Hon'ble Minister be pleased to state if he thinks it desirable to enquire into the desirability of closing the breaches of embankments in other parts of the province where they are causing disaster by floods?

Mr. SPEAKER: That question does not arise.

Mr. NIKUNJA BEHARI MAITI: In view of the refusal of the people to give the required land, will the Hon'ble Minister be pleased to state if he thinks it desirable to provide for the acquisition of the land?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It is difficult to say anything definitely now. It will depend upon what the people decide ultimately.

Damodar Canal.

*466. **Mr. ADWAITA KUMAR MAJI:** Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(a) whether it is in the contemplation of the Government to fix the rate of water-tax in the Damodar Canal area;

(b) how many acres of land are under the Damodar Canal area;

(c) how many of them were irrigated last year;

(d) what is the total maintenance cost of the Damodar Canal Department only;

(e) what is the amount assessed and realised for 1938 and 1939;

(f) what is the amount of the unrealised arrear of taxes; and

(g) what amount has been realised up to date?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (a) The rates mentioned in notification No. 10-I. of the 30th May, 1938, published in the *Calcutta Gazette* of the 2nd June, 1938, are still in force.

(b) About 1,36,000 acres.

(c) About 33,270 acres.

(d) The attention of the honourable member is invited to the figures on page 2 of the Irrigation Budget Estimates for 1939-40 presented to this House.

(e) The assessment for the year 1938-39 was about Rs. 1,15,000. The amount realised cannot be stated until the accounts for the year are finally made up. No assessment for the year 1939-40 has so far been made.

(f) About Rs. 1,95,500 on the 6th May.

(g) About Rs. 14,55,000 between the year 1933-34 and the beginning of May of the current year.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if Government would consider the desirability of fixing the rate at the reduced amount as recommended by the Committee last year?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): The matter is under consideration.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Breach in embankment at Padmanagar in Kushtia by flood of the Kaliganga.

222. **Mr. HARIPADA CHATTOPADHYAY:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) of the breach of the embankment (*bund*) at Padmanagar near Harinarayanpore, police-station Kushtia, caused during the onrush of the flood waters of the Kaliganga in 1934; and

(*ii*) that since then the crops and dwelling-houses of the locality in the districts of Nadia and Jessore, are being affected by flood-waters every year?

(*b*) Is it not a fact that the inhabitants of the affected areas have been praying for the repairs of the said embankment?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, have the Government so far taken in the matter?

(*d*) If no step has yet been taken, will the Hon'ble Minister be pleased to state what steps, if any, do the Government propose to take in this matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) There has never been any embankment on the bank of the Kaliganga river at Padmanagar. In 1934 there was considerable erosion of the natural high bank of the river, with the result that since that year the river has spilled over some adjacent low-lying lands during high floods.

(*b*) A representation from the Secretary of a local committee was recently handed to me by the questioner.

(c) and (d) I am advised that the construction of an embankment would do more harm than good.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if there is a road between Padmanagar and Harinarayanpore parallel to the river Kaliganga?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I believe, there is a road, but I cannot say whether it is parallel to the river.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minisjer be pleased to state whether that road acts as an embankment?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I have already said in my reply that the high bank of the river served as a flood-embankment so long as there was no erosion.

Babu NAGENDRA NATH SEN: With reference to answer to questions (c) and (d), will the Hon'ble Minister be pleased to state who advised him in that matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I was advised by Government experts.

Mr. HARIPADA CHATTOPADHYAY: Will the Hon'ble Minister be pleased to state if he is aware that during 1936 the embankment, that is the District Board road in question, was partly and not fully repaired?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid I am not aware of it.

Mr. HARIPADA CHATTOPADHYAY: Will the Hon'ble Minister be pleased to state if he is aware that this year the local people themselves have repaired the erosion of the District Board road?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am aware that the local people tried to put up an embankment.

Misappropriation of money from the deposit account of Mrs. Sudhirbala Bakshi by a clerk of the office of Assistant Registrar of Co-operative Societies, Burdwan Division.

223. Mr. DHIRENDRA NARAYAN MUKERJI: (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

(*i*) that a pass-book issued in favour of Mrs. Sudhirbala Bakshi (Dasi), widowed daughter of Babu Akshoy Kumar Basu Mullick, of village and post-office Gopinagar, near Tarakeswar, district Hooghly, was produced and handed over to the Registrar, Co-operative Societies, Bengal, in his office room early in December, 1933, by the said Akshoy Babu on behalf of his daughter;

(*ii*) that the complaint made was that the said pass-book had been issued and made over to the depositor by the then clerk of the office of the Assistant Registrar, Co-operative Societies, Burdwan Division, who had misappropriated the money; and

(*iii*) that the said clerk repaid the misappropriated deposit in full to the depositor by way of a fixed deposit certificate for Rs. 1,000 in her name in the Bengal Provincial Co-operative Bank, Limited, on the 7th December, 1933?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, was taken by the Registrar against the clerk?

(*c*) Is it a fact that even after the matter of the 7th December, 1933, referred to in (*a*) (*iii*), the clerk in question continued as a Director of the Bengal Co-operative Officers' Credit Bank, Limited?

(*d*) If so, for how long?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) (*i*) No such pass-book was handed over to the Registrar.

(*ii*) A complaint was made regarding the fixed deposit of Mrs. Sudhirbala Dasi, c/o Babu Akshoy Kumar Basu Mullick, in the Bengal Co-operative Officers' Credit Bank, and the Working Committee of the Bank asked the pass-book holder to appear before them for proper enquiry as the money was not received by the bank. It appears that the pass-book holder did not turn up, and no further action was taken by the Bank in this connection. There is no information that any clerk of the office of the Assistant Registrar, Burdwan Division, was involved in the transaction.

(*iii*) Does not arise.

(*b*), (*c*) and (*d*) Do not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to enlighten us whether there was any enquiry whatsoever as to whether the credit of Rs. 1,000 was in the name of the said lady in the Bengal Provincial Co-operative Bank on the 7th December, 1933, as referred to in the question?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would only refer the honourable member to my answer (*ii*), and no further enquiry could have been made because of the facts stated in the answer.

Mr. ATUL KRISHNA GHOSE: In view of the specific amount given in the question, namely, Rs. 1,000, the specific date, namely, 7th December, 1933, and the specific charge of crediting that amount in the name of that lady, will the Hon'ble Minister be pleased to state if it was not desirable for him to enquire into the matter whether that amount was actually credited in the name of that lady and who was the depositor of that amount so that he could trace the source of that deposit?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already said in my answer (*ii*) that there was a complaint made to this society who asked for details, but no further details were forthcoming and so no enquiry could be made by the society.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the nature of the complaint made by Mrs. Sudhirbala Dasi?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if he would treat the question as a fresh question and initiate fresh enquiry into the matter?

Mr. SPEAKER: That question does not arise.

GOVERNMENT BILL

Bengal Money-lenders Bill, 1939.

Mr. SPEAKER: I find, Mr. Suhrawardy has slightly changed his amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: This is, if I may say so, merely a verbal change. I have been thinking of the remarks made by Mr. Morgan about the purchase or construction of a house which house may not materialise ultimately.

I therefore move that after clause 2(10)(c), the following be inserted, namely:—

"(f) a loan advanced to any person for the purchase or construction of a house, or for the construction of a house together with the purchase of the site thereof, within the limits of the area defined by clause (11) of section 3 of the Calcutta Municipal Act, 1923, or of any area which has been or may hereafter be constituted a municipality under the Bengal Municipal Act, 1932, if such loan is subject to the condition of repayment by instalments extending over a period of ten years or more."

Mr. SPEAKER: In other words, you want that the money advanced may not be spent for any other purpose.

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir. Our purpose is to encourage house-building and, therefore, it is the building of the house which is the most important factor—land is merely an adjunct There may be cases in which a man has not got his own land or has not been able to raise loans for the purchase of land. Therefore, we should have—"or for the construction of a house together with the purchase of the site thereof"; so the loans advanced for either purchase of a house, construction of a house or construction of a house together with the purchase of the site thereof will be excluded. The purchase of a mere site for the future construction of a house will not be excluded because the real purpose is the construction of a house. I hope, this will meet with the views of every section of the House.

Dr. NALINAKSHA SANYAL: What about rate of interest?

The Hon'ble Mr. H. S. SUHRAWARDY: With regard to that, as I said before, I cannot accept that as it will place the lender in difficulties.

The point is this. I do not desire to interfere with any business until I am certain that the business is proceeding along lines which cause hardship to the people. I again make my offer that if in the course of a year any instance of real hardship arises, we shall be glad to include it in this Bill.

Mr. SPEAKER: I will put this amendment just before adjournment.

Dr. NALINAKSHA SANYAL: Why?

Mr. SPEAKER: I had a talk with the Leader of the Opposition and he agreed. Mr. Suhrawardy, what is your next amendment?

The Hon'ble Mr. H S. SUHRAWARDY: My next amendment would be under clause 2 (*19*).

Mr. SPEAKER: No more amendment under clause 2 (*19*)?

The Hon'ble Mr. H. S. SUHRAWARDY: No.

Dr. NALINAKSHA SANYAL: In view of the short-notice change in the draft put by the Hon'ble Mr. Suhrawardy we have to propose that the words "purchase or" be deleted from the draft. The idea is that so far as this House is concerned, we are inclined to exclude a loan advanced for the construction of the house. But so far as the purchase of a house is concerned, we feel that there may be evasion of the provision of the law if purchase of house is permitted through such loan. We feel that probably it might be difficult also if there were no restrictions——

Mr. SPEAKER: What is your amendment; let me see.

Dr. NALINAKSHA SANYAL: I move that in line 1 of the amendment of the Hon'ble Mr. Suhrawardy the words "purchase or" be deleted. So far as the site is concerned, we are prepared to have the purchase of the site provided for. I know that there is a system or process of advancing loans, by which as the building progresses, on the certificate of the contractor or the engineer in charge, the financing company advances money, up to a certain percentage of the actual cost incurred. Therefore, actually there is a control by the company. As regards the question that was raised by some members as to whether the money is actually going to be spent or not in the case of a building society or such other creditors who actually lend money on the construction of a House, there is this check that as and when the building is constructed, as portions of the building are raised, some percentage only will be advanced on the certificate of the value of the actual construction.

Mr. SPEAKER: You have not given notice of it. However, I shall allow it as a special case that the words "purchase or" be deleted.

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry that Dr. Nalinaksha Sanyal has found something to object to. Provision for the purchase of land was in yesterday's draft as well. There were speeches from all side of the House yesterday and even from Dr. Sanyal but it was not pointed out yesterday that there was any difficulty with regard to——

Mr. SPEAKER: Yours have also grown up by night. (Laughter.)

The Hon'ble Mr. H. S. SUHRAWARDY: After receiving some criticisms from some parts of the House, I had to bring in this amendment. We always welcome these criticisms and our action shows reasonableness on our part, and that we try to meet them as far as possible. There was no criticism offered or no observation from any part of the House to the effect that the loan advanced for the purchase of a house would operate harshly on anybody. As a matter of fact one may construct a house with the help of a building society or a creditor. If there is a house which one can purchase outright and enter into possession outright, and one can get it on good terms spread over a period of years, say, 10 or 20 years, then it is better than taking a loan from the building society or builder-creditor. It all depends upon the terms of the contract. I am sorry I cannot see my way to accept the amendment of Dr. Sanyal.

Mr. SPEAKER: Will there be any more amendment on clause 2(*19*)?

The Hon'ble Mr. H. S. SUHRAWARDY: No. You said yesterday that you would like to have our views as to whether we should not adjourn for a day or two and intensively consider the various amendments and then come better prepared to this House. We think that an adjournment for a day or two will not help matters very much in that direction, because as we go on matters crop up on the floor of the House, day to day and criticisms which are helpful are tendered to Government from time to time and Government are able to alter the Bill in the light of those criticisms. I think we would do well if we were to proceed as was suggested before, namely, that after the Government amendment with regard to 2(*19*) has been disposed of, the various consequential amendments regarding the definition of banks, co-operative societies, scheduled banks and so on should be disposed of. That will not take much time. Then I suppose we should take up such other amendments on clause 2 as may be moved by one or the other parties of the House. That will take some time and thereafter we will deal with Chapters 2, 3, 4, 5 and 6, the amendments in regard to which are not very controversial. But there are certain amendments that have been suggested from various parts of the House for the purpose of improving these chapters. While we are going on with these, we can at the same time get ready for the more controversial chapters, so that no time of the House will be wasted.

Mr. SPEAKER: The time is not being wasted, only we are not sitting full time.

Dr. NALINAKSHA SANYAL: Are we to take that Government are not prepared to give us a comprehensive idea that was promised a few days ago with regard to all the amendments that Government are proposing to move in connection with this Bill?

Mr. SPEAKER: They have given us an idea. You stand by the amendments given notice of. If as a result of the discussion on the floor of the House something is necessary, they will do it afterwards.

Dr. NALINAKSHA SANYAL: They are not proposing to move any other amendment on amendment 7 on clause 2(*10*).

Mr. SPEAKER: We will take up clause 2(*10*) and other amendments of private members. What I propose to do now is to dispose of all the Government amendments on clause 2(*10*), and then the other amendments.

The Hon'ble Mr. H. S. SUHRAWARDY: I think what was agreed was that all the amendments on clause 2 and not merely on clause 2(*10*) should be finished, and then each party would know exactly where they stand.

Mr. SPEAKER: I will have to take the important amendments of others' also.

Dr. NALINAKSHA SANYAL: We submit that at the conference that was held at your place you were pleased to agree that you would take up only such important matters where you thought that some amount of discussion were likely to take place. As a result, it was decided that clause 2(*10*) about banks, commercial loans and definition of money-lenders would be first discussed and decided upon and thereafter you would proceed to discuss other items of definition——

Mr. SPEAKER: I will have to take up amendments on clauses 2(*10*), 2(*11*), 2(*12*) and 2(*19*). Government have no amendment on clauses 2(*11*) and 2(*19*).

Dr. NALINAKSHA SANYAL: We have got amendments on clause 2(*10*).

Mr. SPEAKER: I am finishing all amendments on clause 2(*19*), and immediately after coming back to all the amendments of your side on clause 2(*10*) and other group of commercial banks. What is being done is this: we finish Government amendments first and then we come back to the other amendments.

Dr. NALINAKSHA SANYAL: It will be difficult then. I do not know why it should be so.

Mr. SPEAKER: If that were not so, you would have to take up other amendments.

Dr. NALINAKSHA SANYAL: That is what is want.

Mr. SPEAKER: What I propose to do is to finish Government amendments first and then come back to the other amendments.

Dr. NALINAKSHA SANYAL: We only want Government to move their amendments first. That does not mean that we forego our right to move our own amendments regarding a particular sub-clause.

Mr. SPEAKER: All these are open. As you know we have already decided to finish Government amendments first.

Dr. NALINAKSHA SANYAL: We can finish Government amendments relating to sub-clause 2(*10*) and then take other amendments.

Mr. SPEAKER: Not only that sub-clause but all clauses.

Mr. DHIRENDRA NATH DATTA: Would it not be better to exhaust all amendments with regard to one clause?

Mr. SPEAKER: I cannot understand it. I do not understand why Dr. Sanyal stands in the way of obtaining a comprehensive view of the Government attitude on clause 2(*19*). Before we take up the other amendments, we will finish Government amendments first. If you want to know comprehensively the attitude of Government, you must know what their amendments are. That does not exhaust your right. I am not putting this to a division. I am only delaying this. After finishing 2(*19*), so far as Government amendments are concerned, immediately we come back to 2(*10*) and take up these amendments.

Dr. NALINAKSHA SANYAL: Am I to understand that you will take up comprehensively all the Government amendments first?

Mr. SPEAKER: Yes, relating to clauses 2(*10*) to 2(*19*).

Dr. NALINAKSHA SANYAL: We have not understood that you will decide like that. We will at least withdraw from that. You can of course by virtue of your authority carry on the discussion in any way you like. But we are certainly no party to the privilege of Government.

Mr. SPEAKER: I am sorry you have got a knack of misunderstanding things.

Dr. NALINAKSHA SANYAL: We propose that we take up commercial loans first. If Government are not prepared, let them give others a chance to move that amendment and see what the House thinks about it.

Mr. SPEAKER: My difficulty is you sometimes assume yourself to be the Leader of your group which you are not.

Dr. NALINAKSHA SANYAL: Have you had any other direction from my Leader?

Mr. SPEAKER: I understood so far as clauses 2(*10*) to 2(*19*) are concerned; we will finish all Government amendments first; otherwise——

Dr. NALINAKSHA SANYAL: May I remind you in this connection that it was I who had a discussion with you and not my Leader? Therefore, it is only fair for you to give me a chance.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. My submission is this. There was a Government amendment in regard to 2(*10*) (*f*) and the Government is not going to move it. Therefore, the occasion arises for any other party, to take up that amendment and move it. May we do that?

Mr. SPEAKER: Once I allow that, I have to open all the amendments. I cannot take them up piece-meal. I must finish 2(*10*) first.

Rai HARENDRA NATH CHAUDHURI: Our difficulty is that we have applied our mind so far to the Government amendment in respect of 2(*10*) (*f*). If the Government now drop that amendment, why should we not be given the opportunity to move the amendment when the occasion has arisen?

Mr. SPEAKER: I am afraid you have misunderstood it. You must remember that there were any number of amendments by others and the principle that we have been following in respect of clause 2 is this, namely, that we first finish Government amendments—Government may not have amendments to move all the clauses. After finishing these we shall take clause 2 as a whole and finish all the amendments one after another. And if you, or the Congress Party, want to give preference to

any one particular amendment, I am prepared to do that. Once I begin as you suggest, why should I take clause 2(*10*)? I ought to begin with clause 2(*1*).

Dr. NALINAKSHA SANYAL: It was distinctly understood at that time that Government was going to move an amendment regarding commercial loans. If Government drop that, we have to move it.

Mr. SPEAKER: I shall give you a special opportunity to do that.

The Hon'ble Mr. H. S. SUHRAWARDY: May I point out, Sir, that I never stated at that conference that I was going to move A, B or C. Dr. Sanyal wanted to know what Government was going to move and if Dr. Sanyal throws his mind back, he will remember that his idea was that after Government moved its own amendments all the various groups would know where exactly we stood, and then move those amendments that had not been accepted by Government or had not been moved by Government. First of all Government would move its own amendments and thereafter such amendments as remained outstanding they would move or not move according to their choice, but they could not come to a decision, and they would not be able to come to a decision, so far as the whole clause is concerned unless they knew exactly what amendments Government itself was going to bring and carry in this House. Secondly, as regards your interpretation, I think that the procedure which you propose to adopt is correct, namely, Government should move all its amendments in respect of clause 2 and thereafter it should be left to the discretion of the parties to move any amendments they wish.

Mr. SURENDRA NATH BISWAS: I was also present at that conference. As far as I remember, you put it in black and white the order in which the amendments ought to be taken. I also took my notes. I find that Government should move amendments in regard to clauses 2(*10*), 2(*11*), 2(*12*) and 2(*19*).

Mr. SPEAKER: Government have no amendments to clauses 2(*10*), 2(*11*) and 2(*12*) and have only amendments to clause 2(*19*).

Mr. SURENDRA NATH BISWAS: Have they got no amendments in regard to the others?

Mr. SPEAKER: That is what I understand.

Mr. SURENDRA NATH BISWAS: We applied our minds to various clauses in the order in which we took our notes. ~~We applied~~ our minds to clause 2(*10*) and we are prepared for that. As you have

given the opportunity to Government side to move those amendments only to which they have been able to give their attention, we on this side also expect that we will be treated similarly.

Mr. SPEAKER: What I am prepared to do is after I finish 2(*19*). If you tell me which are the specific amendments that you want to move on this clause, I shall allow you to move them first. I am quite prepared to give you all facilities for that.

Mr. SURENDRA NATH BISWAS: As you have given Government side an opportunity to move only those amendments to which they have been able to apply their mind, we also want that much latitude.

Mr. SPEAKER: You know the position of Government here and the position of other members are quite different.

Dr. NALINAKSHA SANYAL: I do not accept that the position of Government in the Legislature is different from the position of any other member or party.

The Hon'ble Mr. H. S. SUHRAWARDY: This is a Government Bill.

Dr. NALINAKSHA SANYAL: It does not make any difference. When once the House is in possession of a Bill, one member has got the same kind of privilege as any other member. The Hon'ble Mr. Suhrawardy is exactly in the same position as myself.

Mr. SPEAKER: You are taking it in a different light.

Mr. SURENDRA NATH BISWAS: Sir, the Government side is always changing its mind.

Mr. SPEAKER: That is the characteristic of all Governments. (Laughter.)

Mr. SANTOSH KUMAR BASU: Sometimes they have no mind at all.

The Hon'ble Mr. H. S. SUHRAWARDY: When Government wish to take note of criticisms, why should they not change their mind?

Mr. SPEAKER: In case this is not agreed to, the only alternative for me would be to begin with clause 2(*1*).

Dr. NALINAKSHA SANYAL. That would be better.

The Hon'ble Mr. H. S. SUHRAWARDY: Whatever you decide, Sir, we shall certainly carry out.

Sir, I beg to move that in clause 2 (*19*), line 2, after the word "proceeding" the following be inserted, namely:—

> "instituted or filed on or after the first day of January, 1939, or pending on that date."

Sir, the House will see that the Bill, as it stands now, states that a suit, to which this Act applies, means any suit or proceeding for the recovery of a loan, etc., etc. Now, Sir, the implication is——

Mr. SURENDRA NATH BISWAS: Sir, is the Hon'ble Minister moving a new amendment? A new difficulty has then arisen. We thought that the amendment to clause 2(*19*), which has been circulated before, would be moved. But now, we find that the amendment, as proposed in the notice circulated to-day, has been moved. We should be given some time to consider its effect.

Mr. SPEAKER: If after hearing the Hon'ble Minister you are not satisfied, I am prepared to give you some time.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir the first amendment which I had tabled would have this effect that only those suits which were instituted after or filed on the first day of January, 1939, would be within the scope of the Bill,—that is, those suits which had been filed before that date and which might be decreed even after the passing of this Act, would not be affected by this Act. That would seem to be somewhat unfair.

Now, the purpose of the subsequent amendment is that it will affect all suits which were pending on the first day of January, 1939, or might be instituted or filed on that date, or instituted or filed after that date. Now, Sir, this undoubtedly extends the scope of operation of the Bill because without this amendment this Act would merely apply to suits which would be pending or which would come for hearing after the Act comes into operation. (Rai HARENDRA NATH CHAUDHURI: But you restrict this!) No. After the Bill comes into operation, a suit, to which this Act applies, means any suit or proceeding for the recovery of a loan. But which suit will be affected by the Act?—that suit only will be affected which is pending at the time when the Act is passed, not pending before that time, because the suits pending before the Act has been passed.

Rai HARENDRA NATH CHAUDHURI: That is not your amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: My amendment is that all suits which were pending on the first day of January, 1939, will be affected by the provisions of this Act, and the reason for that is that we have unfortunately been supplied with information, and Government have been watching with a certain degree of dismay, that since the Bengal Money-lenders Bill has been discussed in this House, suits are being very rapidly filed and decrees are being passed with the result that these loans are being called up, with the idea that before the Bill comes into operation a decree may be passed on the terms and conditions on which a loan was given. All the money-lenders are anxious that they should not be placed under the restrictive clauses of section 28, namely, with regard to interest at 8 and 10 per cent. and that they should get a decree at higher rates.

Now, Sir, we do not wish that owing to legislative delays such advantage should be taken by one party as against the other, and inasmuch as the first day of January, 1939, is the date which has been fixed by the Select Committee in various clauses such as clause 34, we have accepted that date as the starting day, and have stated that suits or proceedings which may be even pending on the first day of January, 1939, will come under the purview of this Bill. We hope, Sir, that inasmuch as this definitely is for the benefit of the poor debtor, this House will have no difficulty in accepting this.

Babu NAGENDRA NATH SEN: Then the Hon'ble Minister is not moving his amendment No. 338?

The Hon'ble Mr. H. S. SUHRAWARDY: No, I am not moving that.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to explain how the rush-suits if I may say so, will be prevented by introducing the words "or pending on that date"? Suits which were pending on the 1st January, 1939, were certainly not suits that were instituted in view of the Money-lenders Bill.

Mr. SPEAKER: This Bill was introduced on the 14th July, 1938, and then it went to the Select Committee. The report of the Select Committee was ready in January, 1939. His contention is that creditors might have rushed in with a view to getting out of the clutches of the Bill.

Rai HARENDRA NATH CHAUDHURI: But his new amendment does not make that clear. If it applies to suits pending on the 1st January, 1939, those suits might have been pending for one or two or even half a dozen years, and those suits could not have been instituted in view of the present Money-lenders Bill. The Money-lenders Bill was

introduced only in July, 1938, and certainly suits instituted long before July or August, 1938, could not be instituted in view of the coming Money-lenders Bill.

The Hon'ble Mr. H. S. SUHRAWARDY: Suppose a suit was instituted three years ago and, say, it was decreed on the 10th January, 1939, and this Bill came into operation on the 1st January, 1939, as it might have been. If our legislative procedure was not so long drawn out, and was not so complicated, we may take it that by the 1st January, 1939, this Bill would have been passed by the Legislature. A suit instituted even three years before that, would be normally affected if it came up for hearing after the first day of January, 1939 (Rai HARENDRA NATH CHAUDHURI: It will be affected in view of your amendment.). No, it would be affected even without the amendment. Suppose the Act was passed on the first day of January, 1939, as I think it might have been passed, making allowances for normal procedure.

Now if a suit comes on for hearing on the 10th of January, 1939, it would be affected by the terms of the Act even though it might have been instituted three or four years ago, because the Court, when passing a decree, will pass it according to the law as it exists at the time, when it comes on for hearing and not at the time when it has been filed. Consequently, as it would be affected on that date, it does not matter when it was filed, and, hence, taking the first day of January, 1939, as the reasonable date, I have added to that not only suits instituted on that date but also those which were pending on that date. This would mean, Sir, that even if money-lenders and creditors rush to court and get a decree, it will not be of any avail to them. This Act will affect suits pending on the first day of January, 1939. What is happening, Sir, is that decrees are being passed, and execution proceedings are taking place, holdings are being put up to sale, because the clever money-lender wishes to avoid the terms of this Bill, and in order to save the debtors from that position I am moving this amendment.

Mr. SANTOSH KUMAR BASU: I think the House will sympathise with my honourable friend's desire to prevent money-lenders, who are rushing their litigation in view of this Bill, from carrying out their design to avoid the effect of the Bill.

The House will sympathise with and support the Hon'ble Minister, provided he can make out his case that this amendment is intended to stop only such decrees being executed or the decretal amounts being recovered by money-lenders in anticipation of this legislation.

Now, Sir, my friend proceeds on the footing that on the 1st of January, 1939, some suits were pending, and those suits would have come within the mischief of this Bill, had this Bill been passed into law by that date. But may I remind my honourable friend that there was no possibility of this Bill becoming law on the 1st of January, 1939, because this session commenced on the 15th of February? If my honourable friend desires to set up an artificial date on or after which no money-lender can escape the provisions of this law, it is a different matter altogether. (The Hon'ble Mr. H. S. SUHRAWARDY: That is so.)

Therefore, my honourable friend was not right when he put forward the argument of "rush litigation". It cannot possibly be said that the suits pending on that date, even if instituted three or four years ago, ought to come within the mischief of this Bill, because on the 1st of January, 1939, this Bill ought to have become law, and the new year—or rather the year of grace or rather the great year of redemption—commenced from the 1st of January, 1939, and, therefore, every suit which remains pending on that date must come within the mischief of this Bill. I would ask my honourable friend if he has taken any stock of the "rush litigation" that has been instituted between July, 1938, and the 1st of January, 1939. If he had taken any such statistics, then Government would have been on surer ground in saying that because of such rush litigation it is necessary to nullify the evil designs of such litigants by enacting an amendment of the kind which is now being proposed.

I submit, Sir, that in the absence of any such data upon which my honourable friend can rely, and in the absence of any such possibility that this Bill could have been passed into law on the 1st of January, 1939, if suits which were pending on the 1st of January, 1939, are sought to be brought within the mischief of this Bill, I think it would entail unjustified hardship on people who had not the slightest inkling of a Bill of this kind when they instituted their suits.

Therefore, Sir, I think that the earlier amendment which my honourable friend had tabled might be adopted with greater sense of justice and fairness than the amendment which is now being proposed. (Rai HARENDRA NATH CHAUDHURI: The earlier amendment is No. 338.) If the Hon'ble Minister had merely confined his amendment to suits instituted on or after the 1st of January, 1939, then, I think, Sir that litigants who did not have any idea of any Bill of this nature would have been saved and very justly saved. We are not here, Sir, to injure the interests of those money-lenders who do not want to avoid this Bill. At the same time, those who really want to avoid this Bill ought certainly to be penalised in the way suggested by my honourable friend.

Mr. SPEAKER: You say that the words "pending on that date" ought not to be there?

Mr. SANTOSH KUMAR BASU: Yes, Sir.

I think the Hon'ble Mr. Suhrawardy will do well to consider the position of those litigants who had instituted their suits *bona fide* on the basis of the law, as it stood then, however hard and unconscionable their bargains might have been. If they had instituted their suits without any idea of the coming legislation, then Government should not come at this stage to penalise those litigants. Otherwise, it might savour of injustice and absence of fair-play.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, I want to submit one point. This is a matter of great importance, discussion of which should be postponed, because notice of this amendment was received by us only a short while ago. There was a unanimous decision in our party as to how we should act in regard to each amendment. Now, the addition of the words "pending on that date" has put us into such difficulty that we cannot possibly take part in the discussion to-day unless we can make up our mind here and now. The difficulty is this that if such short-notice amendments are sprung upon us, then different members of our party will think differently and argue differently and they may be at cross-purposes. We want time, so that we may all sit together and decide upon a common line of action. For that reason, Sir, I would suggest that further discussion of this amendment be postponed.

Mr. SPEAKER: Let us see how things shape.

Mr. SURENDRA NATH BISWAS: There is another point, Sir, to which I want to draw your attention. The inclusion of these words, namely, "pending on that date", clashes with clause 34. Proviso (iii) of clause 34 says: "... ...in the exercise of these powers the Court shall not do anything which affects any decree of a Court other than a decree passed on or after the 1st January, 1939... ..."

Now, Sir, this will apply to suits pending on the 1st January, 1939. These suits may be decreed after the 1st January, 1939, but the suits may have been instituted three or four years ago. So, I would request you——.

Mr. SPEAKER: I think that it is only legitimate and fair that Government should realise that this is a difficult matter. If Government confront the House with a short-notice amendment of this nature just on the day when it is going to be discussed, then it will be simply impossible for the House to do full justice to it. It is a highly

controversial point, and I do feel that Government should give some time—at least one day's notice—for the consideration of the amendment, so that the Opposition may come prepared.

Dr. NALINAKSHA SANYAL: Sir, I submit that one day is not enough.

Mr. JOGESH CHANDRA GUPTA: I think, Mr. Speaker, Sir, that Government should agree to the suggestion you made yesterday. Let Government agree to an adjournment for two or three days; let them make up their minds, because, Sir, it is absurd that a Bill should be piloted by a Minister who at the present moment is officiating for the Hon'ble Minister in charge of the Bill, and this is especially so when Government do not know their own minds. How are we to consider the proposals that are being put forward in view of the fact that, as has been pointed out just now, this amendment conflicts with another provision in another Bill. These things cannot be done off-hand. Of course, if we want to pass a Bill which will give enough room to litigants to attack the Act and benefit the members of the Bar, that is a different matter; otherwise, if Government want to pass a real Bill to help and regulate money-lending, then they ought to make up their minds and then come up before the House with concrete proposals.

Mr. SPEAKER: Mr. Suhrawardy, have you any more amendment on clause 2?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, except consequential definitions.

Mr. SANTOSH KUMAR BASU: Except what?

The Hon'ble Mr. H. S. SUHRAWARDY: Consequential defini as for example, of "banks", "co-operative societies", etc.

Mr. SPEAKER: Then from to-morrow, I suppose, you will be able to proceed with the Bill.

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir.

Maulvi ABU HOSSAIN SARKAR: Sir, may I——

Mr. SASANKA SEKHAR SANYAL: Sir, on a cursory reading of the proposed new amendment, even a humble lawyer like myself has

found out that even if there be the best of intention, the worst of litigation would crop up if this amendment is passed without due consideration. I think, it is no use rambling on this matter now. The House may now be adjourned.

Mr. SPEAKER: But there is nothing which stands in the way of Mr. Abu Hossain Sarkar speaking——

Maulvi ABU HOSSAIN SARKAR: No, Sir. If the House is adjourned, we have no objection. It will be very difficult for us to discuss the matter without going through the amendments.

Mr. SPEAKER: I do not see any reason why you cannot discuss the other part. Instead of wasting our time to-day, you can discuss, for example, the amendment of Dr. Sanyal on commercial transactions.

Maulvi ABDUL BARI: We do not find any necessity for adjourning the House, as I do not think, the clause is going to be further amended.

Mr. SPEAKER: Discussion on commercial transactions may now go on. I understand, Dr. Sanyal and others were anxious to move the amendment about commercial transactions to-day. They can move it to-day if they like.

Dr. NALINAKSHA SANYAL: My amendment was revised and the revised draft was handed over to you as an amendment to the Hon'ble Mr. Suhrawardy's amendment. My amendment is a comprehensive amendment and it reads as follows——

Mr. JATINDRA NATH BASU: Sir, I do not know what particular amendment is now being discussed.

Mr. SPEAKER: Mr. Suhrawardy gave notice of an amendment—No. 7 in the new list. Now Mr. Suhrawardy does not move it. That has been substituted by an amendment of Dr. Sanyal of which a circular was issued about four days back.

Dr. NALINAKSA SANYAL: Sir, I beg leave to move that the following be added after clause 2 (*10*) (*e*), namely:—

"(*f*) A loan (other than a loan to be used by the borrower for the purposes of agriculture) advanced to be used for the purposes of any business or concern relating to trade, commerce, industry, planting, mining, insurance, transport, banking or

entertainment or to the occupation of wharfinger, warehouseman or contractor or any other venture of a mercantile nature, whether as proprietor, principal or agent or guarantor."

This is to be added as sub-clause (*f*) to clause 2 (*10*) of the Bill.

My amendment is exactly the same as the amendment of the Hon'ble Mr. Suhrawardy with the only change that in his new amendment No. 7, he proposed to convert the words "for the purposes of agriculture" to "loans advanced to agriculturists"; I have taken that out and substituted what was originally proposed in the Select Committee and also following his suggestion, I have retained the additional words "planting" and "transport". These two words have been added to the original draft.

I further move that the following two explanations be added to this sub-clause, namely:—

"(*i*) A bond bearing interest executed in respect of goods taken on credit for the purpose of sale is not a loan.

(*ii*) A supply of goods on credit with stipulation of interest payable in default of payment of the price in due time is not a loan".

Sir, I have formally moved my amendment and if you permit me, I would reserve my right to speak to-morrow, as I find that the House is not at present in a mood to listen to me.

Mr. JOGESH CHANDRA GUPTA: Sir, I have been requested by different groups to pray for the adjournment of the House now. They want to discuss the amendment moved by our party to-morrow.

The Hon'ble Mr. H. S. SUHRAWARDY: A little while ago when we wanted to discuss clause 2 (*19*), Dr. Sanyal was very insistent that his amendment to clause 2 (*10*) (*f*) should be placed before the House to-day. Now that he has moved his amendment, he does not wish to talk about it but would like others to talk about it. The House do not like to discuss his amendment without the very valuable comments of Dr. Sanyal on his own amendment.

Mr. C. MILLAR: I think it is quite possible that the very serious consequences which would result to the trade and commerce of the province, if an amendment of this nature is not accepted, are perhaps not yet fully appreciated and that it might be of real benefit to the House if a little further time is given for consideration before we come to a decision on the question.

Mr. JATINDRA NATH BASU: I agree with Mr. Millar.

Mr. SANTOSH KUMAR BASU: I think Mr. Shaheed Suhrawardy will also now agree.

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know exactly what the suggestion is. If the Congress Party wish to listen to the siren voice of the European Group I will not make any comments.

Dr. NALINAKSHA SANYAL: The Congress Party would not deviate from the right path if the Europeans choose even once to come along the right way.

Mr. SPEAKER: What I propose to do is to finish the discussion on Mr. Suhrawardy's amendment first, excepting clause 2 (*19*), to-morrow. After that I will take up immediately the "commercial transaction" amendments, the notice of which has been given just now. Immediately after that I will begin from 2 (*1*) and dispose of all the amendments one after another until I finish clause 2. I will request Mr. Suhrawardy to note that after 2 (*10*) I will take as originally arranged the chapter (Chapter VI) on the interests.

The Hon'ble Mr. H. S. SUHRAWARDY: That will again mean possibly——

Dr. NALINAKSHA SANYAL: Is the Speaker to guide the discussion of the House or the Hon'ble the Labour Minister?

The Hon'ble Mr. H. S. SUHRAWARDY: Surely the Speaker will give some consideration to the views of the party which is piloting the Bill—whether it is yourself or myself it does not matter.

Mr. SPEAKER: My difficulty is that it was agreed to. Clause 2 will certainly take two days. You will therefore get two days' time. To-day is Wednesday, and you will get Thursday and Friday and not only that you get Saturday and Sunday also—altogether four days.

The Hon'ble Mr. H. S. SUHRAWARDY: That will be all right.

Mr. SPEAKER: As I anticipate clause 2 will take two days. Then the Finance Bill is coming on Monday. If there be no objection perhaps with the agreement of the House we can take up the Finance Bill on Friday. Is there any objection?

(Cries of "no".)

We are only keeping to-morrow for the Money-lenders Bill. The Finance Bill will be taken up on Friday, so that all the parties will

get time to consider their respective position carefully and come prepared on Monday next. Is there any objection to take up the Finance Bill on Friday?

The Hon'ble Mr. H. S. SUHRAWARDY: That will meet our wishes.

Mr. SPEAKER: Mr. Bose, what is your opinion?

Mr. SARAT CHANDRA BOSE: All that I would like to say is that it is hardly in accordance with any parliamentary tradition to take a Bill, to proceed with a few sections, then drop it and start another. This Bill has been on the anvil for nearly two years and surely Government ought to have made up their minds by now. We see that amendments are coming in driblets. It shows that Government have not been able to make up their minds. That is not desirable. However, I will leave the matter to you.

Mr. SPEAKER: I propose to adjourn the House to-day. The first thing I will take up to-morrow is Mr. Suhrawardy's amendment; immediately after that the amendment of which notice has been given by Dr. Sanyal. On Friday we will take up the Finance Bill and if there be any time left after its disposal, we will carry on the discussion on clause 2. I am sure we will not be able to finish clause 2 in any case to-morrow. I propose definitely to take up from Monday clause 2 (*1*) and after that Chapter VI.

Mr. Khwaja SHAHABUDDIN: After finishing clause 2 instead of taking up Chapter VI why can we not proceed with the clauses as they occur?

Mr. SPEAKER: I am sorry I cannot do that, because the arrangement that I propose has been agreed to by all parties.

Mr. Khwaja SHAHABUDDIN: It was agreed on the ground that it would expedite the business if we disposed of the controversial clauses first. But it appears that the progress as far as the controversial clauses are concerned is so restricted and slow that I think there will be more speedy progress if instead of taking up the controversial clauses, we proceed with the clauses as they stand. This will give all the parties more time to consider those controversial clauses and their amendments and when we reach them, both the parties will be in a position to explain their points of view more clearly.

The Hon'ble Mr. H. S. SUHRAWARDY: I think what Mr. Shahabuddin suggests will probably suit the House, because even if we have these four days, we shall be bringing in amendments again on Monday next.

Mr. SPEAKER: What I am anxious to say is that within these four days' time that you are getting, you must make your attitude clear on all amendments on clause 2 proposed not only by you but by other parties also. Secondly, if you have got further amendments on Chapter VI, then you will have to give notice only one day ahead, i.e., if you want to move an amendment on Monday you will have to give notice of it on Sunday, and if you want to move on Tuesday, you will have to give notice on Monday.

The Hon'ble Mr. H. S. SUHRAWARDY: In that case we do not get 4 days.

Mr. JOGESH CHANDRA GUPTA: We have not as yet got the consequential definitions. It is important. We ought to have the definitions and to consider whether the definitions are sufficient.

Mr. Khwaja SHAHABUDDIN: On account of these difficulties I do not see how it would inconvenience the disposal of business if we go on and dispose of the controversial clauses later. How does it inconvenience the House?

Mr. SPEAKER: It is not for me to interfere, but if Mr. Shahabuddin can make his friend of the Dacca district (Mr. Jogesh Chandra Gupta) agree, I will have no objection.

The Hon'ble Mr. H. S. SUHRAWARDY: That will give us more time to consider controversial matters.

Mr. Khwaja SHAHABUDDIN: I appeal to Mr. Jogesh Chandra Gupta in the name of Dacca district and I hope he will show reasonableness and accept my suggestion.

Mr. SANTOSH KUMAR BASU: How long will Dacca rule this side or that? We refuse to be ruled by Dacca.

Mr. Khwaja SHAHABUDDIN: I do not want to put the opposition in a difficult position.

Mr. SARAT CHANDRA BOSE: We have made up our minds long ago. We don't feel any difficulty.

Mr. Khwaja SHAHABUDDIN: All the responsibility is on this side and irresponsibility on the other side.

Mr. SANTOSH KUMAR BASU: That responsibility becomes an irresponsibility.

Mr. Khwaja SHAHABUDDIN: Although it was thought in the beginning that it might facilitate the disposal of the business if we took up the controversial clauses at an early stage, I now find from experience that it would be better and the disposal would be speedier if we went on with the clauses as they stand.

Mr. SPEAKER: Mr. Shahabuddin, my experience of human tendency and inclination is that unless people come to the very last point, they do not realise their responsibility. You will find exactly the same difficulty; even if you are allowed three or four or, say, six days in the midst of a session you cannot come to a decision, till you come to the end of Chapter VI. Any way that is a matter in which I am not to interfere. All that I feel is that if the opposition and the Government Whip and the other members can come to an adjustment between themselves as to the method, I am quite prepared to accept that. Subject to that I must follow the following method:—

To-morrow (Thursday) we will take up clause 2. The first thing on Friday will be the Finance Bill. If any time is left after that we will dispose of the amendments of Mr. Suhrawardy and Dr. Sanyal, and then take up clause 2. I am perfectly certain that in view of the other amendments of the consequential nature we will go on with them probably up to Monday or Tuesday. So, you will get 5 or 6 days' time within which you can come to an agreement and get ready with Chapter VI.

Mr. SURENDRA NATH BISWAS: May we get an idea as to how long Government will take to finish the Bill?

Mr. SPEAKER: I would like to know that from both sides of the House. (Laughter.)

Adjournment.

The House was then adjourned till 4-45 p.m. on Thursday, the 25th May, 1939, at the Assembly House, Calcutta.

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